

Chapter 6 Comments and Responses

In this Chapter:

- Comments
- Responses

BPA sent the Draft EIS to the public for comments on the Agency Proposed Action and alternatives. The Draft EIS was distributed to agencies, groups, individuals and libraries in June 1997. A 45-day public review period ended on August 5, 1997. Public meetings with an open house format were held in Driggs, Idaho and Jackson, Wyoming to review and receive comments on the Draft EIS. The comment period was extended at the request of some potentially affected landowners until September 11, 1997. This chapter records and provides responses to the comments on the Draft EIS. This Final EIS also provides updated information developed as a result of the comments received on the Draft EIS.

This chapter contains the written comments from letters and comment sheets, and oral comments from public meetings. Letters and comment sheets were recorded in the order they were received. Separate issues in each letter were given separate codes, for example, 1-1, 1-2, 1-3, etc. for issues in the first letter received. Comments from the public meetings were recorded similarly and are listed with code DPM for comments from the public meeting held in Driggs, Idaho, and JPM for comments from the public meeting held in Jackson, Wyoming. BPA prepared responses to individual comments. This chapter contains the coded comments from the public meetings and letters first, followed by the coded responses beginning on page 6-59.

Breaks in the numbering system are due to duplicate letters logged in with separate numbers.

Comment Letters

BPA/Lower Valley Transmission Project

Driggs, ID, July 22, 1997

4-8 p.m.

American Legion, Wallace and Main

- DPM-1 What is difference between single pole structure and regular structure?
- DPM-2 Are roads going to be in wilderness study area?
- DPM-3 You would either close the road or have a tower in middle of road if you continue as planned in my area.
- DPM-4 Spot towers in Swan Valley along side of existing structures and north and west of existing line.
- DPM-5 No problem if you build on the north and west side. (He has farm land in pasture. (238 + 50.5)
- DPM-6 Biggest problem for me is the blocking of road at structure 4/7.
- DPM-7 Can you avoid potential building site next to structure 4/4 ?
- DPM-8 1st choice: build on other side of road. Second choice: move access road southeast of structure 4/7.
- DPM-9 No preference for wood or steel structures other than possible concern for fire.
- DPM-10 Are you expanding the right-of-way (near proposed development)?
- DPM-11 Why are you expanding?
- DPM-12 What side?
- DPM-13 Originally helped site this line using Lady Bird Johnson's guidelines for views of the line.
- DPM-14 Concern for visual impacts.
- DPM-15 Will you cut trees on Forest land?
- DPM-16 Are you running any lines off of this to serve the valley?
- DPM-17 How much compensation are you getting from Lower Valley to build this?
- DPM-18 We're tired of getting Jackson's crap.

- DPM-19 We have no reason to have this, yet we suffer the impacts.
- DPM-20 There is an access road on the development property - (PGT-AR-15-4)
- DPM-21 Will you be improving the access road?
- DPM-22 Will you open the access road for snowmobiling?
- DPM-23 Will you get a Forest Service permit?
- DPM-24 Will structures be similar to what is there now?
- DPM-25 If you build an SVC, will you still need to build the line?
- DPM-26 What tower type will be at 18/5?
- DPM-27 Can new line be north of existing line at 18/5? (My biggest concern).
- DPM-28 Can we move existing tower at 18/5 out of view?
- DPM-29 Can we let roads revegetate to go back to two tracks after construction,
- DPM-30 Will we use helicopter construction?
- DPM-31 Tank traps eliminates road from inventory.
- DPM-32 If you put it on east side, we have a road there - and we wouldn't like that - at structure 4/7.
- DPM-33 Other side is ok.
- DPM-34 East side cuts right through lots we have at structure 4/4.
- DPM-35 We also have a lot of trees from structure 4/4 through structure 4/8.
- DPM-36 The lots you would affect are future building sites.
- DPM-37 Don't disturb property stake at structure 4/7.
- DPM-38 Most of land is in pasture - no preference on structure type. Wood looks like it wouldn't take up so much room (smaller footprint).
- DPM-39 What information are we going to have when the Record of Decision is signed?

Comment Letters

DPM-40 If BPA builds routing option C, Forest Service would want BPA to either now or later, move the existing line parallel to it. Could be a mitigation measure.

DPM-41 When will BPA and Forest Service decide to kick the dirt?

BPA/Lower Valley Transmission Project

Comments on Draft EIS

Jackson WY - July 23, 1997

4-8 p.m.

Lower Valley Power & Light Office

4000 South Highway 89

- JPM-1 What would happen if the present system went down in the winter?
- JPM-2 Why underground? Visually and environmentally it would be worse at Teton Substation.
- JPM-3 What year do you plan to build?
- JPM-4 Why would visual and environmental impacts be worse with underground?
- JPM-5 Underground would be preferable.
- JPM-6 Lake Creek II access to realtors and information useful for evaluating property values in Jackson Hole.
- JPM-7 BPA should hire a 'human' environmental specialist, someone who approaches analysis in a more holistic way when actions affect humans re: noise, visuals, and property values.
- JPM-8 At Teton substation, does the landscaping proposal cover all present and future development at the substation or does the underground alternative take care of issues?
- JPM-9 Where does Forest Service commitment play into our (Lake Creek) needs?
- JPM-10 What does the \$60,000 for landscaping at Teton substation go for?
- JPM-11 Can all the landscaping projects at Teton substation be done as one?
- JPM-12 This is a nice group of people.
- JPM-13 Where does double circuit start and why?
- JPM-14 How do we get you to paint the rest of the Teton Substation?
- JPM-15 Can you go underground?
- JPM-16 Could you use existing easement to underground?
- JPM-17 On mitigation, you probably put in more than we (Teton County) would have required.

Comment Letters

JPM-18 Where would that dead-end structure be? In the substation yard or out? Inside fence or out?

JPM-19 Do you have photo of that dead-end?

JPM-20 Model of Teton Substation before and after? Would like to see one.

JPM-21 Anything underground would be good.

JPM-22 What is cost of undergrounding?

JPM-23 Cost of undergrounding should be assumed by the users.

JPM-24 ... not by those who live right there.

JPM-25 Value is now being taken from those living by the Substation.

JPM-26 The people living by the substation are the ones who will suffer from the noise, views, etc. of the substation. Therefore, consider the cost of burying line and it should be shared by all those who created the need and the eventual users.

JPM-27 The costs may be higher to those users - as it should be.

JPM-28 Would like more time to review Draft EIS.

JPM-29 Wanted Appendixes.

JPM-30 Did get impression that undergrounding is feasible. Would definitely support that option.

JPM-31 Realize a state-of-the-art substation would look quite different than Teton Substation does.

JPM-32 How far will the underground go?

JPM-33 Is someone working on building a more attractive substation?

JPM-34 What do they do in a high population substation?

JPM-35 Could BPA move the Teton Substation?

JPM-36 Because you're Federal, does that mean no one can question what you do?

JPM-37 Who can citizens appeal to?

JPM-38 If all growth in Valley is causing this need, why do they not contribute to this?

JPM-39 Is anyone else supplying power right now?

JPM-40 Have you looked at upgrading Palisades instead?

JPM-41 My point is, people don't have any other place (utility) to go for power. There seems no other way to go.

JPM-42 Where will you put the double structure?

JPM-43 Where will the new lines come in from at the Teton Substation?

JPM-44 Have you looked at different color lines?

JPM-45 Draft EIS is misleading on the \$60,000 mitigation - whether it is for past mitigation or future.

JPM-46 Can the public have a say in where the structures go?

JPM-47 Do double-circuit structures stay within the existing right-of-way?

JPM-48 We need this.

JPM-49 Thanks for the meeting.

JPM-50 Have you picked a color? Neutral gray; a lot of gray in aspens. (Own property north of the line as line heads into Teton Substation.)

JPM-51 Groundwater is lowest across landowners property in fall (September - October).

JPM-52 Prefers single-pole structure.

JPM-53 Have you addressed landscaping at Teton Substation?

JPM-54 What are noise levels at Teton Substation?

JPM-55 How will noise levels change, specifically at our homes and property line (each home) with comparisons among alternatives?

JPM-56 Explain the cost of \$250,000.

JPM-57 What is overhead cost difference of over-grounding and under-grounding at Teton Substation?

JPM-58 What is the reference to the law that prevents BPA from going through local process?

Comment Letters

JPM-59 Asked what dead-end tower would look like if line goes underground at Teton Substation.

JPM-60 Would like the underground part of all the line alternatives.

JPM-61 Undergrounding seems like fair mitigation for people who live near Teton Substation.

JPM-62 Things are done differently here because we are a gateway to the parks. For example, a landfill could not be located here; we use a transfer station and send garbage to another county. Same with gravel processing.

JPM-63 The owners of lots around Teton Substation bought and built homes next to existing substation; now they want rate payers to pay for measures above and beyond normal mitigation measures to further increase their land values. (Long time resident).

DIVISION DIRECTOR
Karyl Denison Robb, Ph. D.

WYOMING

DIVISION OF CULTURAL RESOURCES

State Historic Preservation Office
6101 Yellowstone Road
Cheyenne, WY 82002
(307) 777-7697
FAX (307) 777-6421

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-001
RECEIPT DATE: JUL 09 1997

June 18, 1997

Mr. Mike Johns
Project Manager
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621

RE: Bonneville Power Administration/Lower Valley Transmission Project; SHPO #0697RLC061

Dear Mr. Johns:

Richard Currit of our staff has received information concerning the aforementioned project. Thank you for allowing us the opportunity to comment.

Management of cultural resources on transmission projects is conducted in accordance with Section 106 of the National Historic Preservation Act and Advisory Council regulations 36 CFR Part 800. These regulations call for survey, evaluation and protection of significant historic and archeological sites prior to any disturbance. Provided the Bonneville Power Administration (BPA) follows the procedures established in the regulations, we have no objections to the project. Specific comments on the project's effect on cultural resource sites will be provided to the BPA when we review the cultural resource documentation called for in 36 CFR Part 800.

Please refer to SHPO project control number #0697RLC061 on any future correspondence dealing with this project. If you have any questions contact Richard Currit at 307-777-5497 or Judy Wolf, Deputy SHPO, at 307-777-6311.

Sincerely,

Judy F. Wolf
John T. Keck
State Historic Preservation Officer
JTK:RLC:jh

THE STATE OF WYOMING
Jim Geringer, Governor



DEPARTMENT OF COMMERCE
Gene Bryan, Director

Comment Letters



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

July 7, 1997

Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, Wyoming 82009

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: LWRVAL-02-002

RECEIPT DATE:
JUL 15 1997

Mr. Mike Johns
Bonneville Power Administration
Public Involvement Office-ACS
P.O. Box 12999
Portland, Oregon 97208

Dear Mr. Johns:

This is in response to your agency's June 2, 1997 correspondence, received June 16, 1997, requesting comments on the Draft BPA/Lower Valley Transmission Project Environmental Impact Statement. Thank you for the opportunity to comment.

A review of the document indicates that discharges of dredge and/or fill material into waters of the U.S. will occur in the State of Wyoming associated with the project's implementation. Therefore, authorization is required in accordance with the provisions of Section 404 of the Clean Water Act (Act). It appears, based on National Wetland Inventory data contained in the document, that crossing Fish Creek and Lake Creeks will require authorization. Additionally, access road upgrades and construction may have impacts as well. It is strongly encouraged that the project alignment for the power line as well as access roads be field surveyed for the presence of wetlands to ensure full compliance with the Act. Once all impacts to waters of the U.S. (including wetlands) are fully identified, authorization should be sought from this office for impacts in Wyoming.

If you have any questions concerning this matter, please contact Chandler Peter at (307) 772-2300. Your file number is 199640188.

Sincerely,

Matthew A. Bilodeau
Matthew A. Bilodeau
Program Manager
Wyoming Regulatory Office

GARY W. GRANDY
P. O. Box 1111
Petersburg, Alaska 99833-1111

June 28, 1997

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: LWRVAL-02-003

RECEIPT DATE:
JUL 15 1997

Nancy Whitpen
Bonneville Power Administration
Public Involvement Office - ACS
P. O. Box 12999
Portland, Oregon 97208

Dear Ms. Whitpen:

This letter is a follow-up to the telephone conversation I had with you yesterday. This documents my concerns regarding the Draft EIS for the BPA/Lower Valley Transmission Project. I have also discussed these matters this past week with Mike Johns, Project Manager, and Dusty Glans, of your Idaho Falls office.

Our concern is regarding page 2-13 of your EIS. The second paragraph under the heading of "2.3 Short Line Alternative" refers to a new switching station which would be located north of the present Targhee Tap and would require 3-5 acres of agricultural land. This description indicates that the switching station would be located on our property directly behind our house and barn and would create a deep intrusion into a significant portion of our 148 acre ranch. Our property would either still surround the switching station or be on three sides of it. In addition there would be a 60 foot right of way with a 20 foot rock road across another part of our acreage in order to access the switching station. All of this really chops up our property.

We certainly understand that this "Short Line Alternative" is not the preferred route for the power line expansion. However, we do know that sometimes things happen. Therefore, we oppose and will vehemently work to see that this alternative is not used, unless we can get a change to the location of the switching station. To locate the switching station on our property is an intolerable situation and we request that it be located on the alternative site which we earlier recommended and which we again propose.

We will oppose the switching station being on our property because of our concerns regarding that much unsightly electrical equipment being located near our home and barn. Quaken aspen trees would not fully hide this equipment and especially during months without leaves. Pine trees do a much better job of hiding equipment.

Comment Letters

3-4 [We are also extremely concerned about the amount of electrical field that much equipment creates and the detrimental affect it could have on humans (us) and our animals. Do you or does anyone really have all of the facts about living around electrical equipment of a major power line and switch yard?

Next, as was told to you on the telephone, we do not intend to sell our property. However, and as you probably know, the title to the land is in a trust for our four married children. They likewise do not intend to create a subdivision with it. However, we cannot predict the future and whether it would be sold as an entire acreage or in chunks at some future date needs to be considered.

3-5 [Four years ago, we had a serious offer, which we did not accept, for any 20 acres of our land. The party was willing to pay \$10,000 per acre for a total price of \$200,000. This offer plus our knowledge of real estate values for the Teton Valley area indicates that the entire acreage is easily worth \$1,500,000. We believe it is worth much more than that but for discussion purposes we will use this low figure. Our concern is regarding the property devaluation that will be created because you locate an unsightly switching station in the middle of our land resulting in people not wanting to locate near that equipment. We visualize that our \$1,500,000 property could easily devalue to \$1,000,000 or \$500,000.

My wife's grandfather was an early settler on Flat Creek in Jackson Hole, Wyoming. In 1927, he was forced to sell his 320 acre ranch for \$7,000. That property is now a part of the National Elk Refuge. Do you realize what that acreage would be worth today if the family had been able to retain it? Millions! The point is that we learn from the past and will take a firm stand to see that history does not repeat itself.

3-6 [The original line and access easements (Smith Canyon) were bought by Bonneville Power for nominal amounts. One of the heartaches we had at that time was that the valuations were based on farm ground market prices, which were low at that time. We would expect best usage values to be used which would place the property in potential subdivision/recreational or large land tract next to a National Forest prices. This means that five acres alone could be worth \$100,000. This expense plus the "entrance road" easement value and property damages need to be considered in your "Short Line Alternative" calculations.

3-7 [When the original Targhee Tap of the present line was placed on the hill on Forest Service property southwest of our house it was done because of our concerns at that time which were similar to the ones we have again expressed. Bonneville Power was cordial and cooperative in listening to our concerns and accommodated our wishes and placed the Targhee Tap where it is mostly hidden from view by the trees. We respectfully request and hope that you will likewise appropriately address and handle our present concerns.

3-8 [In the original request for comments in May, 1996, we stated, "Also, place the new switching station West of the present Targhee Tap, where it would be hidden behind the trees on a flat area rather than anywhere near our house or property." We also said, "The new switching station should be West of Victor near the present station." We are not sure why these recommendations were not more carefully explored.

3-9 [As I stated on the telephone, we have owned this property since 1965 and we do understand the topography of the land around the Targhee Tap. There really is sufficient government, Forest Service, land directly west of the Targhee Tap which could be cleared and easily leveled to locate a switching station and it would be hidden from the public and off private property. We recommend that this site be used should the "Short Line Alternative" become a reality.

In closing, I thank you for listening to me on the telephone and in reviewing our concerns and recommendations of this letter. As you can tell, our private property environment is extremely important to us. Therefore, we ask that the revised EIS address these concerns; and, we solicit your cooperation to move the switching yard to the alternate site west of the Targhee Tap.

Sincerely,

Gary W. Grandy
Gary W. Grandy
for Triangle G Trust

Comment Letters

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <i>LWRVAL-02-004</i>
RECEIPT DATE: <i>JUL 24 1997</i>

12 July, 1997

Chi Melville
Route 1 Box 3736
Alta, WY 83422

BPA
Public Involvement Office - ACS
PO Box 12999
Portland, OR 97208

Dear Sir / Madame:

As a resident of Teton County Wyoming, I am writing to express my concerns about BPA's Lower Valley Transmission Project from Swan Valley, Idaho to Jackson, Wyoming.

I believe the Draft EIS to be fundamentally flawed and cannot support any of the alternatives offered.

- 4-1 [First, there is one glaring omission from the study, namely conservation. Nowhere in the summary that I read was any mention of *reducing the need* for the powerline. There are many conservation measures that could be implemented to reduce electricity needs.

Jackson is well known for it's 10,000+ square foot vacation homes that only get used for a few weeks a year, and I suspect that these types of houses are having a significant impact on the area's electricity demands as they have to remain heated through Jackson's long cold winters.

- 4-2 [Several solutions could be offered to reduce electricity consumption. One would be to alter the rate structure to encourage alternate heating sources such as natural gas, oil and solar. What has happened to BPA's conservation program that lead to dramatic decreases in the demand for electricity in the past? I would hope that this would remain the first alternative when studying expansion projects like this one?

- 4-3 [Secondly, there was no alternative listed for upgrading one of the existing sets of towers to carry more lines, rather than cutting a new swath along the corridor.

- 4-4 [Third, does the dam on Jackson Lake provide any hydropower? If so, could it be upgraded for improved efficiency? If there is no hydropower, then it's a resource that should be looked at.

- 4-5 [I find the proposed alternative of cutting a wider swath to install a second power line totally unacceptable.

Sincerely,

Chi Melville
Chi Melville

B O N N E V I L L E P O W E R A D M I N I S T R A T I O N

BPA/Lower Valley Transmission Project

"I'd Like to Tell You..."

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <i>LWRVAL-02-005</i>
RECEIPT DATE: <i>JUL 24 1997</i>

- Of the choices offered in the Draft EIS, I prefer: _____
- Of the choices offered, I do not like: _____
- You can improve the choices by: _____
- I think the analysis would be better if you: _____
- I didn't understand: _____
- I have these other comments: SEE ON OTHER SIDE

Continue on back if you need more room.

Your comments will be addressed in the Final EIS, scheduled for January, 1998

☐ Please put my comments in the mailing list (You are already on the mail list if you received this in the mail.)

Name THREE RIVERS CONSTRUCTION, INC.
Address _____

P.O. Box 258
Alpine, Wyoming 83128

1997 to:

Bonneville Power Administration
Public Involvement Office - CKP
P.O. Box 12999
Portland, OR 97212



Comment Letters

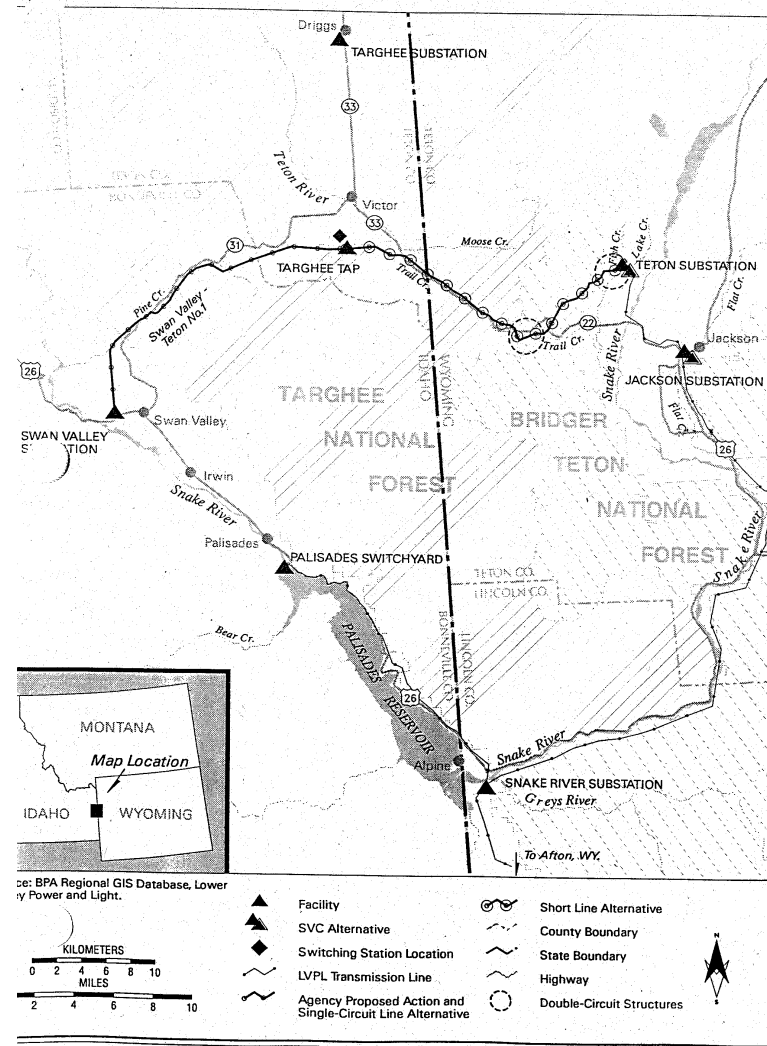
5-1

We would like to know why the lines (new) are not going to be built from the Palisade Switchyard to Alpine and then branched so that lines could be upgraded both to Star Valley and To Jackson Substation. It would seem that the growth from both of these areas would already be there instead of lines going to where there would be less demand immediately. This is a tremendous investment and I would think that the areas generating the demand and the payment for such costs should be first served. Existing easements could be used.

I would like to see the costs of this alternative before I would come aboard approving this particular venture.

Dorothy Reinhart
Dorothy Reinhart

BPA / LOWER VALLEY TRANSMISSION PROJECT LOCATION MAP



Comment Letters

PHELPS H. SWIFT, JR.
P.O. Box 715
Wilson, Wyoming 83014
(307) 733-8036

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-006 RECEIPT DATE: AUG 01 1997

July 28, 1997

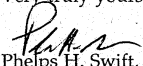
Bonneville Power Administration
Public Involvement Office - CKP
PO Box 12999
Portland, OR 97212

Re: New Power Line to Teton Substation

To Whom It May Concern:

Thanks for the opportunity to comment on your proposed project. We have written several letters in the last year as owners in the Raintree Subdivision located adjacent to your right-of-way west of the Teton Substation.

We would urge you to consider all efforts to mitigate the impact on our property. In particular, we urge you to consider burying as much of the line underground as possible; locating poles in places which will reduce the visual impact on our property; using non-reflective and natural colors on both the poles and the lines and doing a minimum amount of damage to the right-of-way land surface. I know you have agreed to plant trees near the substation. If you could provide a landscaping allowance for each of the homeowners, or plant trees to screen each pole, it would show a great deal of good faith and sensitivity to our concerns. Thanks for your consideration. I look forward to your response.

Very truly yours,

Phelps H. Swift, Jr.

PHS/mem



3497 N. Ammon Rd. • Idaho Falls, Idaho 83401 • (208) 525-4400 • FAX (208) 529-0104

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-007 RECEIPT DATE: AUG 01 1997

July 28, 1997

Bonneville Power Administration
Public Affairs Office - AC
P. O. Box 12999
Portland, OR 97212

Re: Lower Valley Transmission Project

Gentlemen:

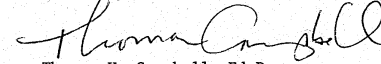
Bonneville Joint School District No. 93 owns a lodge and cabin near Pine Creek. We use the lodge and area for instruction of students in the School District, and lease it to family groups for leisure activities.

7-1 We object to a power line being built in the area. It alters the view and would have a negative impact on the overall beauty of the area. We are trying to teach the students to respect the environment. It will be difficult to explain why our environment needs to be disturbed to transmit power outside our State.

7-2 I don't think the line should be built in this particular canyon at all. However, if it must be built, it should be located so that it cannot be seen from the Pine Basin lodge where our programs are conducted.

Bonneville Joint School District No. 93 was not invited to the recent open house held to discuss the project.

Sincerely,


Thomas V. Campbell, Ed.D.
Superintendent of Schools

TVC:ms

cc: Rick Knori, Project Manager

Comment Letters

Snake River Associates
4445 Moose Wilson Road
Wilson, Wyoming 83014
(307) 733-3989
Fax (307) 733-5019

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-008 RECEIPT DATE: AUG 01 1997

July 14, 1997

Mike Johns, Project Manager
 Bonneville Power Administration
 Public Affairs Office - AC
 P.O. Box 12999
 Portland, OR 97212

Re: BPA/LVPL Transmission Project

Dear Mr. Johns,

Bonneville Power Administration's transmission line and easement cross Snake River Associates' property for the last mile before entering the Teton Substation. In addition to owning the fee land under your transmission line, Snake River Associates also owns substantial land to the north of the line. Below are our comments and suggestions on your draft EIS on the BPA/LVP&L transmission project.

- 8-1 [We strongly support the alternative of placing the transmission lines across our property on single, double-loaded steel poles, similar to those used by Lower Valley Power and Light along the Moose Wilson Road. As you point out, if these poles are used, BPA will not need to purchase additional power line right-of-way from us.
- 8-2 [We oppose the alternative for undergrounding the line where it enters the substation. The structure necessary to go from an overhead line to an underground one would have significant negative visual and other impacts.
- 8-3 [We believe that placing such a structure on the edge of our property near the substation would do more visual harm than good. (If the line were placed underground from the Fish Creek Road east, that might be a worthwhile alternative.)
- 8-4 [I understand that the steel poles can be placed farther apart than the existing wooden ones. Since the poles are the most obtrusive part of the line, we strongly support minimizing the number of poles where the line crosses our property. We realize that this will shift the location of the poles.
- 8-5 [We prefer that the color of the steel poles be a dull, neutral gray in order to blend with the aspens and pines in the vicinity. However, we would be willing to consider whatever other colors that your consultants might propose.

Mr. Mike Johns
 July 14, 1997
 Page 2

- 8-6 [Due to increasing problems with trespass, we request that BPA install a steel gate with steel braces that can be locked at the boundary between its substation property and the easement across our property.
- 8-7 [The most appropriate time for construction of this section of the line would be in the fall of the year after September 10. At this time of year, our irrigation is shut off and construction would do less damage to the fields and wetlands, and would be substantially less expensive. I would be glad to meet with you when convenient to discuss other issues relating to construction access.
- 8-8 [Thank you for preparing such a thorough and clear draft EIS. I found the visual simulations particularly helpful in evaluating the different alternatives.

Sincerely,



William B. Resor, general and managing partner
 Snake River Associates

Comment Letters

These are comments for the BPA Lower Valley Transmission Project: (ECN)

7-22-97

9-1 I am opposed to this project for these reasons: The cost, effect on wildlife, the effect on human health, the effect on floodplains, vegetation, cultural resources, and on the scenic nature of the area.

9-2 While I am sympathetic to the disruptions that brownouts and blackouts cause, it makes no sense to continue increasing a system of energy that has such detrimental effects on human health, safety, wildlife, etc.

9-3 I suggest solar energy as an alternative energy source. It's time for the DOE/BPA to get with it and start developing this energy source.

Natalie Shapiro
Idaho Sporting Congress
and
Northern Rockies Preservation Project
POB 625
Boise, ID 83701

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-009 RECEIPT DATE: AUG 01 1997
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Pennington, Jean - ACS

From: Wittpenn, Nancy A. - ECN
To: Pennington, Jean - ACS
Cc: Krugel, Linda J. - ECN
Subject: FW: Increase cost for burying lines
Date: Monday, August 04, 1997 9:43AM

Jean, please log in as a public comment on the BPA/Lower Valley Transmission Project. Thank you.

From: Barbara Gray
To: Nancy Wittpenn
Subject: Increase cost for burying lines
Date: Friday, August 01, 1997 2:14PM

I have been involved in planning issues in Jackson's Hole for many years. There are many times that people favor "preservation" of scenery and wildlife when it is not going to cost them, personally, anything. I think this controversy regarding power lines is a perfect opportunity to give the public a chance to vote when it will effect their pocket-books.

10-1 I, for one, would be totally happy to pay \$5 or \$10 more per year for our power if we could have more lines buried and visually screen sub-stations and equipment. It would be great to know that the fee increase is going to something—not just a fee increase!

I would urge you to proceed with a mailing where people can vote. Make the choices clear and easy—and I'll bet you'll be surprised at the outcome.

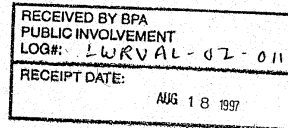
RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-010 RECEIPT DATE: AUG 05 1997
--

Comment Letters



Greater Yellowstone Coalition

August 4, 1997



Bonneville Power Administration
Public Involvement Office - ACS
P.O. Box 12999
Portland, OR 97208
Attn: Mike Johns

Subject: ECN (Lower Valley Transmission Project)

Dear Mr Johns:

The following are the Greater Yellowstone Coalition's (GYC) comments on the Lower Valley Transmission project. GYC is a regional non-profit conservation organization based in Bozeman, MT, with field offices in Cody and Dubois, WY and Idaho Falls, ID. We have a membership of approximately 7,500 individuals, 125 member organizations and 100 business/corporate sponsors. GYC's mission is to preserve and protect the Greater Yellowstone Ecosystem and the unique quality of life it sustains.

Swans

11-1 One of our Idaho Board members is Ruth Shea and president of the Trumpeter Swan Society. The following comment has to do with the vulnerability of swans to power line collisions based on a copy of a letter from the Trumpeter Swan Society which I received earlier this summer. GYC believes that the document should be strengthened by committing to the proposed mitigations rather than stating mitigation could or should be accomplished. An independent expert should be consulted as discussed on page 4-60, and their recommendations should be implemented. Burying the power lines for the short distances where significant valley bottoms are crossed (T2N, R44E, S6 and T3N, R46E, S30) would reduce avian collisions at the highest-risk locations.

Big Game Winter Range

11-2 All construction and other disturbance-causing activities should be prohibited between December 15 and April 15 in delineated crucial deer/elk winter range to avoid stressing those species at an extremely vulnerable time. This would comply with the management goals of the Targhee Forest Plan Revision. The Targhee National Forest and Idaho Department of Fish and Game should be consulted in order for BPA to determine which areas in the power line corridor should have these timing restrictions.

GYC also recommends that all roads construct for the project be obliterated after project completion. If those roads are needed for maintenance access, then closures should be effective

Main Office - P.O. Box 1874, Bozeman, MT 59715 • (406) 586-1593 • Fax (406) 586-0851 • E-mail: gyc@desktop.org
Idaho Office - 1740 E. 17th St., Suite F, Idaho Falls, ID 83404 • (208) 522-7927 • Fax (208) 522-1048
Wyoming Office - 1266 Sheridan Ave., Cody, WY 82414 • (307) 527-7706 • Fax (307) 527-5487

11-2
cont.


and BPA should set up a road closure enforcement plan with the TNF. Furthermore access and maintenance activities should be precluded during the fall big game hunts, beginning August 30. According to IDFG Routing Option "B" would cause the least potential impact to big game, due to minimizing new road construction. We believe that should be the option selected.

11-3

Fisheries and Water Quality

For construction standards, consider all perennial and intermittent streams to have fish present at least a portion of the year, unless site-specific research indicates otherwise. Maintaining fish passage is required under Idaho Code, therefore the discussion on the potential impacts of blocking or impeding fish passage (page 4-63) should be replaced with a discussion of how BPA will prevent blocking or impeding fish passage.

Sincerely,


Marv Hoyt
Idaho Field Representative

Comment Letters

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: LWRVAL-02-013
RECEIPT DATE: AUG 18 1997

Public Involvement Office
Bonneville Power Administration
PO Box 12999
Portland, OR, 97212

Aug. 5, 1997

I have reviewed the Draft Environmental Impact Statement, DOS/EIS -0267, covering the proposed new BPA/ Lower Valley Transmission Project. I am a condominium owner in the Jackson Hole Racquet Club and my condo is located against the northern fence of the Racquet Club alongside the existing ROW of your transmission line into the Teton Substation and thus also the new transmission line which you propose to locate just north of the existing line.

12-1

Your EIS considers the visual impact as high (Section 4.2.1) where the new line would pass our condominiums in the Racquet Club. Section 4.2.2.2 (Recommended Mitigation) indicates no mitigation at all for Visual Assessment Area 7 that would in any way deal with this problem. The fact is that the new wires will be in place right in our foreground direct line of vision of the mountains. Nothing that you propose will do anything to avoid that, nor even minimize the problem to any significant degree.

12-2

I strongly object to your proposal and I believe every other condo and Lake Creek owner above does also. I paid a premium for this condo for its location with an unobstructed view. The existing wires are well above our line of vision to the mountains. The new line would not be, it will be right in our line of vision. Your proposed action will significantly diminish the value of my condo as well as all the others above.

12-3

There are at least 2 alternatives you apparently have not considered to deal with this local problem.

1. After the line has come down into the flat from the Phillips Ridge, run the line essentially north for about 1 mile, then cross the sage brush flat directly east to a point north of the Teton substation, then run the line south to that substation. Such a routing mitigates the visual problem for all of these above owners. Since the existing line goes across grazing lands, I doubt that this alternative creates any problems for the ranch.

2. Run the line underground from a point just west of the Fish Creek crossing underground to the Teton Substation. The Fish Creek crossing can be drilled, not excavated, thus not disturbing the creek itself. Further, I can live with a season of construction work, as the impact is only temporary.

12-4

Again, I wish to state my strong objections to your proposal for this small part of the system. I would like to receive your specific response to these comments and suggestions.

Yours very truly,

John H. Lyle
John H. Lyle

cc. Rick Anderson, US Forest Service Planner
Nancy Wittpen, BPA Environmental Project Lead ✓

J. H. Lyle
Jackson Hole Racquet Club
Star Route Box 3647
Jackson, WY 83001



STATE OF WYOMING
OFFICE OF THE GOVERNOR

JIM GERINGER
GOVERNOR

August 5, 1997

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: LWRVAL-02-013
RECEIPT DATE: AUG 18 1997

STATE CAPITOL BUILDING
CHEYENNE, WY 82002

Michael C. Johns, Project Manager
Bonneville Power Administration
Public Involvement Office
P.O. Box 12999
Portland, OR 97212

Re: Lower Valley Transmission Project Draft Environmental Impact Statement

Dear Mr. Johns:

On behalf of the State of Wyoming, please be advised that we have reviewed the referenced document. We continue to support sensible development including the infrastructure similar to the Lower Valley Transmission Project which will support these projects. I urge that you be sensitive to the attached comments from the Game and Fish Department and the Public Service Commission and that this project be developed in a manner consistent with those recommendations.

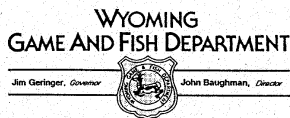
Thank you for the opportunity to comment.

Sincerely,

Paul R. Kruse
Paul R. Kruse
Assistant Director
Office of Federal Land Policy

PRK:jh
Enclosures

Comment Letters



July 8, 1997

WER 8306
Bonneville Power Administration
Lower Valley Transmission Project
Draft Environmental Impact Statement
DOE/EIS-0267
SIN: 96-043
Teton County

WYOMING STATE CLEARINGHOUSE
OFFICE OF FEDERAL LAND POLICY
ATTN: JULIE HAMILTON
HERSCHLER BUILDING, 3W
CHEYENNE, WY 82002

Dear Ms. Hamilton:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement for the Bonneville Power Administration/Lower Valley Transmission Project. We have no additional comments beyond those provided in our May 24, 1996 letter to the Clearinghouse for the Notice of Intent to Prepare an Environmental Impact Statement.

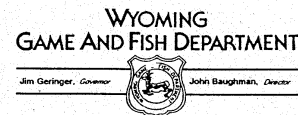
Thank you for the opportunity to comment.

Sincerely,

BILL WICKERS
DEPUTY DIRECTOR

BW:TC:as
cc: USFWS

Headquarters: 5400 Bishop Boulevard, Cheyenne, WY 82006-0001
FAX: (307) 777-4610



May 24, 1996

WER 8306
Department of Energy
Bonneville Power Administration
Notice of Intent to Prepare an EIS
Lower Valley Power and Light
Transmission System Reinforcement Project
SIN: 96-043
Teton County

WYOMING STATE CLEARINGHOUSE
OFFICE OF FEDERAL LAND POLICY
ATTN: JULIE HAMILTON
HERSCHLER BUILDING, 3W
CHEYENNE, WY 82002

Dear Ms. Hamilton:

The staff of the Wyoming Game and Fish Department has reviewed the notice of intent to prepare an Environmental Impact Statement for the Lower Valley Power and Light Transmission System Reinforcement Project. We offer the following comments.

- 13-1 1. Impacts to Terrestrial Wildlife. We do not anticipate any significant adverse impacts to terrestrial wildlife from this project if the existing power line corridor is followed. Expanding existing substations should not result in the loss of any significant crucial winter range. However, we do recommend construction of the powerline from the Idaho state line to Mail Cabin Creek be completed prior to November 15 or after April 30 to protect big game animals on winter range from disturbance and displacement from construction activity.
- 13-2 2. Bald Eagles. The proposed transmission line should be designed to minimize avian electrocution. The new line should be marked with balls and/or sleeves at all known bald eagle foraging habitats to prevent powerline strikes.
- 13-3 3. Trumpeter Swans. Since 1991, 54 dead trumpeter swans have been found in the Jackson area. Powerline and fence line collisions were the direct cause of death in over one third of all swan carcasses recovered. Placement of sleeves and/or balls on transmission lines which cross trumpeter swan flight corridors would greatly reduce mortalities due to powerline strikes.

Headquarters: 5400 Bishop Boulevard, Cheyenne, WY 82006-0001
FAX: (307) 777-4610

Comment Letters


Julie Hamilton
May 28, 1996
Page #2 - WER8306

13-4

4. Accipiters, Buteos, Harriers, and Owls. The proposed additional 75 feet right-of-way width should be surveyed during late May or June to identify all raptor nest site locations. Timing constraints should be considered for the construction phase of the project if nest(s) are located.

Thank you for the opportunity to comment.

Sincerely,


JOHN BAUGHMAN
DIRECTOR

JB:TC:vb
cc: Wildlife, Fish Divisions
USFWS



JIM GERINGER
GOVERNOR

Public Service Commission

700 W. 21ST STREET

(307) 777-7427
FAX (307) 777-5700
TTY (307) 777-7427

CHEYENNE, WYOMING 82002

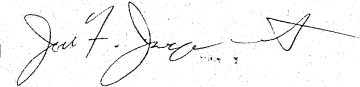
STEVE ELLENBECKER
CHAIRMAN
DOUG DOUGHTY
DEPUTY CHAIRMAN
KRISTIN H. LEE
COMMISSIONER

STEPHEN G. OXLEY
ADMINISTRATOR
ALEX J. ELIOPULOS
CHIEF COUNSEL AND
COMMISSION SECRETARY

MEMORANDUM

TO: MS JULIE L. HAMILTON
POLICY ANALYST
GOVERNOR'S OFFICE

FROM: JON F. JACQUOT
ENGINEERING SUPERVISOR
PUBLIC SERVICE COMMISSION



DATE: JUNE 10, 1996

RE: LOWER VALLEY POWER AND LIGHT TRANSMISSION SYSTEM
REINFORCEMENT PROJECT OF THE BONNEVILLE POWER
ADMINISTRATION, STATE IDENTIFIER NO. 96-043

13-5

This is in response to a request by the Governor's Office that the Public Service Commission comment on the referenced matter. The Commission requests that no unreasonable restrictions be placed on the provision of utility service or on the construction of utility and pipeline facilities as a result of the referenced project.

13-6

Where construction is undertaken, the Forest Service or those managing the construction should contact and coordinate with the utilities serving and otherwise present in the area to prevent contact with and damage to utility facilities. If it becomes necessary for utility facilities to be modified or relocated, the cost of modifying or relocating any utility facilities to accommodate construction, should be borne by the Forest Service or those benefiting from the construction. If these costs are not borne by the Forest Service or those benefiting from the construction, those costs would fall unfairly on the rate payers of the affected utility.

Comment Letters

13-7

The Public Service Commission supports this project. The electrical utility load of Lower Valley Power and Light continues to grow and additional transmission into the utilities service are must be increased to enable to serve the additional load expected.

If you should have any questions regarding this matter, please let me know.

FROM :

PHONE NO. :

May. 21 1996 11:42AM P2

OFFICES:

307-682-6268
307-772-2477
307-261-6572
307-527-8444
307-739-9507
202-224-3424

United States Senate
WASHINGTON, DC 20510-5004

MICHAEL ENZI
WYOMING

COMMITTEES:

Banking, Housing, and Urban Affairs
Labor and Human Resources
Small Business
Special Committee on Aging

August 6, 1997

Mike Johns
Project Manager
Department of Energy
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <i>LWRVAL-02-014</i> RECEIPT DATE: <i>AUG 18 1997</i>

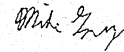
Dear Mr. Johns:

14-1

After assessing the situation, I believe that there is sufficient reason to request a thirty-day extension of the public comment period on the Environmental Impact Statement for the proposed BPA Lower Valley Transmission Project. This project stands to have a large impact on the communities of Wyoming. It is in everyone's interest that our citizenry properly assimilate the 400 page Environmental Impact Statement (EIS). I believe the statutory minimum time is insufficient for the layperson to do so, especially in light of the fact that much of that time was consumed in assessing an EIS summary which many ultimately concluded to be inadequate to the task of evaluation.

Our proximity to national park lands and wetlands makes it vital that our officials have enough time to properly review the EIS and comment on the impact of this extensive project. It would be a great benefit for us to have thirty additional days to review the material. Thank you for your attention to my request. I look forward to hearing from you.

Sincerely,



Michael B. Enzi
United States Senator

Comment Letters

United States Senate

WASHINGTON, DC 20510-5003

August 1, 1997

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-015 RECEIPT DATE: AUG 18 1997
--

Mike Johns
Project Manager
United States Department of Energy
Bonneville Power Administration
Post Office Box 3621
Portland, Oregon 97208-3621

Good morning Mike...

I'm writing on behalf of many of my constituents, who reside in the Lake Creek II Acres housing area in Jackson, Wyoming. They have requested an extension of thirty (30) days for comments on the draft Environmental Impact Statement for the additional power line to Jackson.

15-1 I'm aware that a member of my staff spoke with you about this request. It's my understanding you have allowed an additional two (2) weeks extension. I would appreciate your reconsideration of their original request for the full thirty-day (30) extension.

Enclosed is a copy of the Lake Creek Acres II Homeowner's Association's comments. Please consider this request carefully and let me know what options are available to these folks and how you intend to address their concerns.

Thank you for your assistance in this matter. A reply to me at 325 West Main, Suite F, Riverton, Wyoming 82501, will be appreciated.

Best regards,

Craig Thomas

Craig Thomas
United States Senator
Wyoming

7/1/97 132
J. J. H.

CT:cl

Enclosure

Response Due: ARC
cc: A-2, TN

RECEIVED BY BPA ADMINISTRATOR'S OFC-LOG #: 97-0599 RECEIPT DATE: 8-5-97 DUE DATE: 8-19-97

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-016 RECEIPT DATE: AUG 18 1997
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DATE 7/19/97

MIKE JOHNS, PROJECT MANAGER
DEPARTMENT OF ENERGY
BONNEVILLE POWER ADMINISTRATION
PO BOX 3621
PORTLAND, OR 97208-3621

RE: ECN BPA/LOWER VALLEY TRANSMISSION PROJECT DOE/EIS 0267

~~I WISH TO SUBMIT A PUBLIC COMMENT ON THE DRAFT EIS ON THE ABOVE PROJECT. PLEASE SEND ME A COPY OF THE DEIS AND APPENDICES. I REQUIRE ADDITIONAL TIME TO RECEIVE THE DEIS AND PREPARE MY COMMENT.~~

16-1 I UNDERSTAND THAT LAKE CREEK ACRES II HOMEOWNER'S ASSOCIATION, MY CONSTITUENT, HAS FORMALLY REQUESTED A TIME EXTENSION FOR THEIR COMMENT AND RELATED COMMENTS. PLEASE EXTEND THIS ADDITIONAL 30 DAYS FOR COMMENT TO ME ALSO.

THANK YOU.

Grant Larson
SIGNATURE

NAME
ADDRESS SENATOR GRANT LARSON
BOX 3400
JACKSON, WY 83001

Comment Letters

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-017
RECEIPT DATE: AUG 18 1997

DATE Aug 7, 1997

MIKE JOHNS, PROJECT MANAGER
DEPARTMENT OF ENERGY
BONNEVILLE POWER ADMINISTRATION
PO BOX 3621
PORTLAND, OR 97208-3621

RE: ECN BPA/LOWER VALLEY TRANSMISSION PROJECT DOE/EIS 0267

I WISH TO SUBMIT A PUBLIC COMMENT ON THE DRAFT EIS ON THE ABOVE PROJECT. PLEASE SEND ME A COPY OF THE DEIS AND APPENDICES. I REQUIRE ADDITIONAL TIME TO RECEIVE THE DEIS AND PREPARE MY COMMENT.

I UNDERSTAND THAT LAKE CREEK ACRES II HOMEOWNER'S ASSOCIATION, MY CONSTITUENT, HAS FORMALLY REQUESTED A TIME EXTENSION FOR THEIR COMMENT AND RELATED COMMENTS. PLEASE EXTEND THIS ADDITIONAL 30 DAYS FOR COMMENT TO ME ALSO.

THANK YOU.

Budd Beth
SIGNATURE

NAME Budd Beths State House Rep. District 22
ADDRESS P.O. Box 929
Bozeman, Wyo. 82513

United States
Department of
Agriculture

Forest
Service

Targhee
National
Forest

P.O. Box 208
St. Anthony, ID 83445

File Code: 1950

Date: August 11, 1997

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-018
RECEIPT DATE: AUG 20 1997

Nancy Wittpenn
BPA Environmental Project Lead
P.O. Box 3621 - ECN-4
Portland, OR 97208-3621

Dear Nancy:

Enclosed are the comments for both Bridger-Teton and Targhee National Forest employees related to the DEIS for the BPA/Lower Valley Transmission Project. I have included the individuals name and phone number before their comments so the appropriate person can contact them directly.

Looking forward to hearing from you.

Sincerely,

Carol Cushing
CAROL CUSHING
Forest Planner

Enclosure

Comment Letters

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: 60241-0205
RECEIPT DATE: 08/19/99

Susan Marsh - Bridger-Teton National Forest, 307-739-5516

Palisades Wilderness Study Area (WSA) issues

18-1 The existing powerline goes through approximately one-half mile of Palisades WSA. The Bridger-Teton (BT) Forest Plan (FP) direction for the WSA quotes from the Wyoming Wilderness Act: "WSA will be managed to protect long-term wilderness attributes. No activities will be allowed that will jeopardize the eligibility of the WSAs for future Congressional designation as Wilderness. Existing uses of the WSAs, such as snowmobiling and mountain biking, will be allowed to continue."

If additional tower height will not significantly reduce the scenic quality of the area surrounding the existing powerline, then we can say the impact on scenic quality will not jeopardize the eligibility of the WSA for future Congressional designation as Wilderness. If additional tower height will result in towers now being visible from new locations or visual impact will be increased with no opportunity for mitigation,, the impact may constitute an "impairment of long-term wilderness attributes" and we should explore alternatives with BPA to reduce height.

18-2 Map 11 displaying VQOs is incorrect. The adopted VQO in the FP for the Palisades WSA is Preservation, not Partial Retention. The forest intends to manage the WSA to meet Preservation.

18-3 Pages 4-15 through 4-20 discusses recreation impacts. Map 9 displays ROS and has errors (area south of highway should not be mapped as SPM and RN). The Palisades WSA should be mapped SPM or P.

Access issues

18-4 An MOU exists between the Forest Service (FS) and BPA regarding maintenance of the powerline. There does not appear to be any easement document giving BPA "reserved rights" for the line.

18-5 Direction for addressing powerline through WSA should be the same for BT and Targhee. DEIS seems to imply that each forest will be dealt with differently.

18-6 Where there are no existing access roads, no new road construction should be approved for towers 29/1-29/3 within Palisades WSA.

18-7 If any existing access roads occur within WSA (which doesn't seem to be the case on field review of towers relative to WSA boundary), only temporary use during construction phase will be approved - not permanent access for maintenance. Rehab and revegetation will be conducted in consultation with the FS.

18-8 Access to towers should use existing Old Pass Road and Phillips Bench roads wherever possible. If real roads are determined necessary we need to work together to create a system that can be used by the public for firewood

18-8 gathering, dispersed camping and trailhead access, or else build roads to the minimum possible standard and use as trails.

18-9 Currently the powerline does not interfere with winter and summer recreation use. We would not approve additional restriction on use of the powerline ROW, which, because it is cleared, is popular with skiers and snowmobilers.

Scenic Quality

18-10 Wyoming Highway 22 is managed under the BT FP to meet a visual quality objective of Retention (which means the average viewer should not notice the powerline). The current situation does not meet the VQO; the proposal has the potential to be even more visible, and would further detract from scenic quality. Using the existing line clearing (without widening) and installing one line of towers, even if higher, is a better scenic alternative than widening ROW and installing two rows of towers, as originally proposed.

18-11 Instead of placing new towers to match the existing ones that are reflective metal, let's use a flat matte surface (anodized or painted) for the new towers and paint the old ones to match. In other words, don't increase the number of highly visible towers just for the sake of consistency.

General recreation issues:

18-12 Where existing roads will be used to access towers, we should encourage cooperative work with BPA to improve those roads needed for public access and close the ones that are not. Issues that we could resolve together include use of the Phillips Ridge area and public access to the Fish Creek Road at the base of the mountains. FS objectives are to make the area available to mountain bikers and other users to divert some use away from Black Canyon (would reduce conflicts with horse riders and make more intermediate terrain available).

Other resource issues:

18-13 I don't have a lot of details because I have not had a chance to talk with all the resource specialists about this. But some issues that have come up, mostly having to do with new roads and construction for towers: ..

Cultural resources, impact on historic road and trails, prehistoric quarry sites. Location and degree of ground disturbance will be issues.

Protection of mountainside wetland areas during construction.

Issues of consistency with BT FP:

18-14 The powerline is not compatible with DFC 9A (developed recreation sites, for which forest plan requires that utilities be underground), nor is it particularly compatible with DFC 12 (backcountry areas managed for big game habitat and recreation). Though incompatible, the line exists and we are not

Comment Letters

18-14
cont.

suggesting it should be removed. However, it is important to recognize that we have a use that is inconsistent with adjacent land uses or DFCs in the plan, so future design changes can be made as compatible as possible with forest plan objectives.

Ed Fischer - Targhee National Forest, 208-624-3151

GENERAL COMMENTS

As noted a number of times at the BPA-FS meeting in Jackson, WY on July 23, the agencies are making different levels of decisions. The BPA decision to be made is more conceptual, the FS decisions are more specific with respect to sites and locations. Different levels of information are needed for these decisions. Some progress was made on July 23 toward meeting the FS needs.

18-15

I am also concerned about the timetable for the project, specifically regarding the clearing of corridor right-of-way (ROW) where it is accessed by new roads (roads currently not in place). I think that clearing new road ROW and construction, and using it to clear corridor ROW in the same year is pretty ambitious. If access is in place to allow clearing of new corridor ROW (that is, if no new access roads are needed for this), then it may be feasibly done in one year. Nonetheless, it will be ambitious even then if more than one type of logging method is needed (if we need to bring in a cable show, or even helicopter). We may need to consider bringing in a logging systems specialist for consultation.

CHAPTER 1

Decision to be Made. The decisions to be made by the FS, shown on pages 1-6 and 1-7 of the DEIS, need to be expanded. As clarified at the meeting with BPA personnel in Jackson, WY on July 23, we need to be able to implement clearing of timber and access road construction directly from this decision without engaging in further NEPA. BPA personnel also apparently do not anticipate conducting further NEPA analysis to implement vegetation management after line and road construction. I suggest the following elements are what the FS needs to decide from this document.

18-16

1) whether or not to grant an easement to BPA for occupancy and use of the existing facilities and any needed new facilities, and if so, under what terms and conditions. The easement would accommodate towers, lines, and other pertinent features, as well as trunk and access roads; the width would account for factors such as line sag and sway. Please give information on the authority under which the current and proposed easements are/would be granted, either here or in Chapter 3

2) whether or not to authorize clearing of additional ROW for additional BPA facilities, and if so, in what manner

18-16
cont.

3) whether or not to authorize additional access roads for construction and maintenance of BPA facilities, and if so, in what manner

4) how to manage existing and additional access routes

5) whether or not to authorize vegetation management (corridor maintenance activities) after line and road construction, and if so, in what manner and under what conditions.

6) consistency of the proposal and specific actions with the FPs for the Targhee and BT, and what if any amendments may be needed

Issues The issues on pages 1-5 through 1-6 of the DEIS are too broad for the FS decisions to be made. The following issues (from the list in Appendix B) seem to be the most important for ROW clearing, access road construction and the granting of an easement. These are taken pretty much verbatim from the larger list of issues in Appendix B to the DEIS (FYI of July 10, 1996). Analysis of consequences should focus on these.

Wildlife

1) Noise from construction (and substation equipment) could cause wildlife to avoid areas or vacate them altogether.

2) Increased road densities in the area may cause wildlife to avoid or vacate habitat.

3) Teton Pass is a migration corridor for animals moving between the Teton Range and the Snake River Range. Road densities and construction activities could interrupt these migrations.

4) Tree felling and road building could destroy nests or nesting habitat.

5) Construction and maintenance at certain times could disrupt nesting activities. (Is disruption of fledging included here? If not, it should be.)

18-17

Vegetation

1) Describe how much clearing will be needed and where this will be, both for ROW and access roads.

2) How will the logging slash be treated? If burned, maintain air quality within acceptable limits.

3) Will forest products be made available to the public?

4) The existing and new lines will increase the fire hazard in the area.

Scenic/Visuals

Comment Letters

1) The corridor location and wider width could affect the visual quality of the area, particularly in the Teton Pass and Pine Creek Pass areas.

Soil and Water

1) Water and mud from the access road near Moose Creek wash down the old highway into the creek. (Rehab needs of existing facilities)

2) Soil washing into Pine Creek from poor road construction methods or maintenance could affect the habitat quality for cutthroat trout.

3) Numerous landslide and some avalanche areas exist along the ROW.

4) The entire route is extremely sensitive with respect to soils.

5) Road construction and poorly-placed or poorly-maintained roads could contribute excess sediment to area waters.

6) The structures and route should be able to withstand potential damage from seismic activities.

Recreation

1) How will maintenance roads along the power line in the Teton Basin area impact summer and winter recreation access?

2) How will construction and new clearing and roads affect the backcountry skiing on Teton Pass, which is one of the best areas in the country for this type of use?

3) The ROW is popular with skiers and snowmobilers in the winter. Will new controls affect this use?

CHAPTER 2 -- PROPOSED ACTION AND ALTERNATIVES

The proposed action is basically described for the FS decision to be made with the notable exception of the road locations. We understand more or less where the ROW clearing would take place (north or south of existing ROW sections). The hazard tree removal actions need to be explained more in the EIS.

The information on maintenance and vegetation management after construction (DEIS, page 2-12) led us to believe additional NEPA would take place after this decision (I got this impression also from reading BPAs FYI on their pending EIS for concept of veg management, received by the Forest in July). BPA personnel seemed to indicate at the recent meeting in Jackson that that decision on veg management is to be made here we need to state it and show the consequences.

CHAPTER 4 - ENVIRONMENTAL CONSEQUENCES

It seems like the level of consequences shown would be all right to support the BPA decision on concept. I don't think it's enough to support the FS decisions on clearing and road construction. Maybe we have enough information on which side of the existing ROW the clearing would take place. The descriptions and analysis of effects on the Pine Creek routing options is good. We just need to know more on locations of roads. Other sections that need to be beefed up include mitigations and consequences for soil and water, and wildlife concerns.

To support the FS decision on easement and address the recreation issues I think we need some statement about how the easement would operate, that is, who would have control over the access to the ROW (FS or BPA). That might also address some of the wildlife issues which relate to access.

If the existing ROW and proposed addition do go thru the WSA, or some other roadless area, there should be some discussion of how this would affect roadless characteristics and potential future designation of the area as wilderness.

Page 4-3, for timber and range -- the consequences of harvesting up to 181 acres of timber (for ROW only) will depend on where the clearing locations are. The existing statement is correct that clearing of this timber will not reduce the suitable timber on the Forest since there are no lands in 5-series prescriptions there. Any timber harvested in the ROW will contribute toward the 20 million board foot per decade standard for non-ASQ lands.

Some of the clearing for access roads may take place in prescription areas (Rx) other than 8.1. We need to know where this will occur to show consistency with our Revised FP.

The statement that rangelands would not be impacted by adding new ROW needs to be checked by district rangeland management specialists.

Page 4-52 (begin), for wildlife -- consequences seem to focus mostly on disturbance from construction noise, habitat loss, and avian collisions with powerline facilities. There are some timing mitigations for nesting birds; surveys are mentioned, though those for birds would apparently only be conducted "if required" (page 4-60).

Make sure the timing mitigations address fledging birds, not just early nesting periods. Also, will the timing for wildlife mitigations conflict with that for ungulates or for soil and water quality?

Carol Cushing - Targhee, 208-624-3151

1.6 - Decision to be made: FS decision is whether or not to issue a special use permit (SUP) & if so, under what terms & conditions; whether to build new roads; remove vegetation etc.

Comment Letters

- 18-29 [Figure 2-1 should try to estimate the total area disturbed & illustrate it (include area needed for hazard trees)
- 18-30 [2.1.3 - access roads: are the existing roads open in the Revised FP? How many spurs will be built - need a estimate to adequately address the impacts; do adjacent Rx areas meet or exceed the OROMTRD standard in the Revised FP?
- 18-31 [2.7.1.1 - Table 2-4 is good however, I don't think it addresses the issues that are listed on page 1-6. 1502.1 talks about focusing on significant environmental issues & I don't see this happening.
- 18-32 [4.1.2.1 - Acres disturbed needs to change to account for the amount of area that is estimated to be needed to cover the hazard trees; think the impact statement for timber is incorrect & not in compliance with the Revised FP because there would be an impact on the lands where timber is removed as these are considered lands that are not suitable BUT do contribute to the harvest that is outlined on pg. ROD-19.
- 18-33 [4.2.2.1 - appears that visual impacts to new access roads & spur roads has been omitted in this section. In the Visual Assessment Area 3, the specific location of the facilities that are to be developed around Targhee Tap needs to be determined so the visual impacts can be addressed. Also, it seems we should be able to determine if indeed the transmission lines will be viewed from the foreground (site specificity again).
- 18-34 [4.2.2.2 - Visual Assessment Area 2 - how many additional trees & in what locations beyond the ROW will be cleared? Seems like past impacts from the existing line should be mitigated & site specific proposed improvements need to be addressed throughout the EIS.
- 18-35 [4.5.2.1 - site specific draft designs for access roads must be completed before the FEIS & issuance of a SUP to adequately determine impacts to soils, wetlands, floodplains, fine spotted cutthroat trout etc. In a good faith effort to comply w/ the objective on pg. III-107 of the Revised FP, existing roads need to be inventoried & evaluated along the powerline since its likely this is the only project in this corridor w/in 5 years of the signing of the ROD. What impacts will access road construction have on the fine spotted cutthroat trout? I think some additional site specificity is needed in this section related to our Rx 2.8.3.
- 18-36 [4.7.2.1 - Is the clearing in the riparian zone in compliance w/ Rx 2.8.3 in the Revised FP?
- 18-37 [Lastly, at a minimum, a alternative should be explored that puts the ROW outside of the WSA.
- Dan Delany, Targhee, 208-624-3151
- 18-38 [Overall, the document is very programmatic. It does not specify the locations of access or spur roads (p. S-3) and does not state that the environmental impacts of these new roads will be assessed at a later date. It also does not state if the FS will have any later input as to new road locations,

- 18-38 [construction specifications, or maintenance standards. Without site specific information, it is not possible to accurately describe the impacts to native cutthroat trout.
- 18-39 [p.4-62 to 4-64 Fisheries: I believe the proposed action would produce "moderate" rather than "low" impacts. I agree that road construction within floodplains is a temporary impact and that impacts are localized. However, for the life of the constructed road, stream hydrologic function will be reduced through the physical alteration of the floodplain and stream channel; sediment delivery to the stream will be increased through increased run-off, road use, and road maintenance; and large woody material recruited to the stream will be reduced through clearing of the road ROW and the presence of the road.
- 18-40 [I believe that the proposed action will reduce native cutthroat trout habitat quality. Not enough information is provided to determine if the proposed action will meet Revised FP goals, standards, and guidelines for fisheries. Whether the reduction in habitat quality is sufficient to reduce native cutthroat trout population health can not be determined without site specific information on road locations, construction specifications, and maintenance schedules. The proposed action will not significantly impact fine-spotted cutthroat trout on a regional basis.
- Ric Rine - Targhee, 208-624-3151
- 18-41 [The value of the timber being removed for the expansion needs to be recovered and removed, at fair market value, through a timber sale or similar contractual arrangement, the receipts returned to the Treasury of appropriate fund, and the volume credited to the Forest's MAR accomplishment.
- Ronna Simon, - Targhee 208-624-3151
- | Page | Comment |
|--------------|---|
| 18-42 [S9 | I'd eliminate "supplemental" in the sentence "Groundwater is a supplemental source...". |
| 18-43 [| I don't know that "[m]uch of the landscape reflects the impact of past glaciation." I think most of it reflects stream incision (except in the Tetons, where glaciers sometimes flowed down pre-existing stream courses),. |
| 18-44 [| What are you referring to as the "Snake River Range"? Show on a map. |
| 18-45 [S-14 | Impacts from ROW (road) maintenance? Impacts from logging to clear ROW? Relative amounts of soil disturbance, number of stream crossings, amount of land taken out of production? There isn't much information here that is useful in comparing alternatives. |
| 18-46 [S-17 | SVC alternative may have the lowest impacts, but what are they? Are they within acceptable limits? No mention of impacts to soil quality, stream channels, or water quality. |

Comment Letters

- 18-47 [S-18 No Action would still involve maintenance and repair of existing line, so there would be impacts. Need to address this.
- 18-48 [3-16 Again, delete "supplemental" for groundwater use for irrigation.
- 18-49 [3-17 Again, extent of impact from glaciation (at least on the Targhee side).
- 18-50 [4-25 and 4-26 What is a "normal erosion rate/level"?
- 18-51 [Table 4-1 Hard to tell if impacts will be within legal limits, and if water quality will still meet State standards. Sediment to wetlands implies the need for a 404 permit-- how much are we talking about, and is mitigation possible? No mention of impacts from timber cutting, and potential for changes to water temperature. Nor of impacts from log skidding, decking, etc. to soil and water resources. Impacts to soil from roads aren't just lowered productivity, but irreversible/irretrievable losses, too. They will be lands taken out of production, at least to some to some degree.
- 18-52 [4-29 "Any soil loss would be low compared to losses from neighboring agricultural lands"-- but is it within soil loss tolerance limits?
- 18-53 [Pine Creek Drainage: Will we still meet State water quality standards? Are these consistent with our Revised FP? (this for pages 4-29 and onward) It's really hard to tell what the magnitude of impacts will be on the resources-- the "significance" to the beneficial uses of water and to soil productivity.
- 18-54 [4-35 Mitigation: Should say that riparian plantings may be used to mitigate, if needed. Also need to mention the Revised FP standards and guidelines, as well as State BMP's for road construction and Forest Practices (Idaho and Wyoming). Restrict road construction to the minimum needed for the project, and obliterate roads that are not needed for maintenance. Minimize construction and road use in the spring, when rutting is a concern, as well as runoff. Use more effective erosion control measures in water quality limited (WQL) stream drainages (Teton headwaters).
- 18-55 [4-39 Are the impacts mentioned in the first part of paragraph 4.6.1.2 meant to be direct impacts? Indirect?
- 18-56 [4-43 Putting concrete in the wetland could be a significant impact, and would definitely have to be evaluated. Would also require a 404 permit.
- 18-57 [4-44 Again, make sure to mention the Revised FP, and State BMP's. Also need to ensure mitigation is effective via periodic monitoring.

Bart Andreasen - Targhee, 208-624-3151

- 18-58 [BPA need to use the "ranges" of ROS & VQO as outlined in the Revised FP Rx's, and we would not want to draw lines for probable areas of each. There would probably be little change in ROS except where new access roads might be added, but since they were deleting some, net effect is probably negligible. Also, they could do their effects discussion in narrative terms rather than acres of change in classification, since the only real potential for effects is with VQO on the area south of motor on east side of Teton Pass. Suggest BPA follow our narrative approach on p. IV-47 and 50-51 of the FEIS for Revised FP for way to address--just adjust to actual conditions for the project rather than those of the Revised FP.

Mark Orme - Targhee National Forest, 208-624-3151

- 18-59 [1) Surveys for TES Species need to be conducted along the entire ROW before ground/vegetation disturbing activities are done. These surveys need to follow approved protocols; 2) If the surveys document the presence of TES species within or immediately adjacent to the ROW, the Revised FP S&G's for these species need to be followed. An example of immediately adjacent is: A boreal owl nest site is found outside the ROW, but close enough that the owl would use the ROW as part of its nesting stand or foraging area; 3) If for some reason S&G's for TES species cannot be followed, then mitigation for lost habitat will be required; 4) Since removal of timber in some places along the ROW will be permanent, this will result in the eventual loss of large woody debris habitat. I recommend that twice the amount of large woody debris as required in the Revised FP be retained where timber is removed; 5) Unless needed by the FS, all access roads should be effectively restricted from public motorized use; 6) The DEIS adequately covers concerns about electrocution and collisions; 7) For wildlife species other than TES species, the DEIS probably does a minimal adequate job discussion.

Ron Dickemore - Palisades District, Targhee 208-523-1412

- 18-60 [1. The purpose and need for the FS needs to go into more detail and they should be together. We talked about this in Jackson.
- 18-61 [2. All of the access roads to the ROW and within the ROW needs to be identified to see where they cross Pine Creek and drainages coming into Pine Creek to see what kind of crossing they are proposing. Also need to know what bridges are being proposed to upgrade.
- 18-62 [3. We were informed in the Jackson meeting that we would issue BPA a SUP for BPA to use National Forest land. There was some discussion on what involvement the FS would have in harvesting the timber and other activities within the ROW of the special use permit. When we issue a SUP, the permittee is responsible to accomplish all activities to the standard we specify. We should not be taking on that extra work.

Comment Letters

- 18-63 ☐ 4. The motorized use discussion throughout the document is confusing.
- 18-64 ☐ 5. We need to include the direction for all Rx areas from our Revised FP.
- 18-65 ☐ 6. We need to agree on what will happen to the roads during construction and after. The road density issue.
- 18-66 ☐ 7. There is one area on the Palisades District where the proposed line may not be next to the old line and there may be more than one alternative to evaluate in the document. The specific area is where the line crosses the road, Pine Creek and Pine Creek Basin ski area. In this location, two or more routes or construction methods could be discussed and evaluated.
- 18-67 ☐ 8. The document needs to show what Rx area the proposed action is in.

Bud Alford - Palisades Ranger District, Targhee, 208-523-1412

It appears the BPA has covered a lot of the issues and concerns for wildlife and fish, but I think a few they discussed have been glossed over in the EIS. I refer the reader mostly to appendix D - Wildlife Report, particularly pages 6 - 35 of that appendix and related material in the EIS in the environmental consequences to wildlife. I refer specifically to species which depend on the estimated 181 plus acres of mixed conifer habitat that will be "type - converted" to open rangeland or brushy habitats. Additionally, other large trees adjacent to the clearcut corridor will be removed.

- 18-68 The documents say there will only be a "low to moderate" impact on forest dependent species. I say the impact will be "high" for many of these. In my mind this 181 acres of conifer habitat is an irreversibly and irretrievably loss as far into the future as one could possibly imagine (maybe 300 plus years, who knows?). Specifically, these species include cavity nesting birds and mammals, American marten, many raptorial birds including the goshawk, the FS sensitive boreal, flammulated and great gray owls and the three-toed woodpecker among others.

Mitigation listed in the EIS does not address how this irreversible and irretrievable loss will be mitigated.

The species discussed which are being directly impacted the most are strongly dependent on "forested types" and are the species most in trouble in the Western U.S. today. That's why so many are listed as FS sensitive species, are rare or have been petitioned for Federal listing (eg. Lynx). This project is not helping their situation and adds to impacts occurring on private lands. Mitigation could help prevent similar forests from being impacted on private lands.

Fisheries: I looked quickly at the fisheries section on affected environment and environmental consequences since our Fish Biologist is gone now.

- 18-69 Some of the information did not seem to ring true to me such as that Pine Creek was rated to be poor to fair fish habitat. I had always thought of Pine Creek as one of our most productive wild cutthroat spawning tributaries on the Snake River system.

- 18-70 It also gave the impression that beaver activity was contributing to sedimentation and poor bank stability in Pine Creek. If anything the beaver dams and work we have done with beaver there has helped improve bank stability and provided check dams for sediment coming off the existing BPA powerline road (eg. as in Tie Canyon; this has been one of our continuing problem areas for sediment). If anything I suspect the increase in roading for this project will degrade Pine Creek fisheries further. I'm not sure by reading the EIS if this has been displayed fully, especially if a road is desired to access every power pole.

Patty Bates - Teton Basin District, Targhee, 208-354-2312

- 18-71 5.2.1.3 Access Roads & Gates
- Need to define action better, or at least display worse case scenario. Better still, we should be discussing which roads are needed with an objective of minimizing roaded area.

- 18-72 5.3.3 Recreation Resources
- Should consider a quick summary of Greater Yellowstone Winter Recreation Plan, or at least BPA should have a review study to understand the rec. issues along Teton Pass. Will the added roads have potential impact on yo-yo skiing/snowboards.

- 18-73 1.6 Decision to be made
- Need to clarify (i.e., whether or not to issue special use authorization, and if so with what conditions and requirements). Seems like it should also display other decisions to be made (timber sale, vegetation mgt. plan, wildlife mitigation plan, gating plan).

- 18-74 2.1.3 Roads - again!
- Define better - how many and what size spur roads. Will there be closure/rehab of any existing roads and spurs. Tie to travel plan decision to assure open roads won't be gated. I think there ought to be some options with roads - Proposed Action seems like all roads are needed. So far BPA's been fine with no access to some towers, so I think a lot of the construction roads should be temp. roads - rehabed once construction is complete.

- 18-75 2.6.3 Burying the Transmission Line
- Seems like the option meets the purpose and needs and issues and cost wasn't. It needs a bit more discussion to dismiss (maybe have cost concerns up front).

Comment Letters

- 18-76 [3.1/2.1 Population
- They're missing discussion of Teton County, Idaho. I assume some of the issues/public comments revolve around the Victor end of the county and should be displayed.
- 18-77 [4.7/2.1 Construction Impacts
- Need to define/estimate tree removal off ROW - or any other impacts anticipated off ROW.
- 18-78 [4.8.2.2 Mitigation Strategy
- Needs to be strengthened, should be a plan developed, within a specific time, assurances, etc.
- 18-79 [5.1.9 Cleanup wording throughout that FS would issue S.U.P. authorization (to include both new and existing) and delete reference to easement.
- 18-80 [3.1 There's no discussion of rangelands need to quickly discuss FS grazing allotments - and then track through to consequences - with veg. change through timber barings or increased roads affect grazing ops, livestock movement, use, etc.

Liz Davy - Teton Basin District, Targhee, 208-354-2312

- 18-81 [As a mitigation for the timber, have a timber sale so local people can remove the products. Most of the timber is mature and would work well for house logs etc. Mitigation for slash removal, open the area for firewood gathering after the timber sale. Removes slash without burning, provides a product to local folks, and helps our public relations. Allow commercial tree digging along right of way and new roads. There are tree spades around that can handle any size tree. Soil removal may not be an issue since it will be disturbed with the roads and installation of poles. Page 3-10 5th paragraph, there is no such thing as Coal Cr. campground. I believe they mean Trail Cr. campground. Page 3-11. Skiers, mtn bikers and ATV's use the ROW from Mike Harris to Pine Cr. Pass.
- 18-82 [

Marynell Oeschner, Teton Basin District, Targhee, 208-354-2312

WILDLIFE SURVEYS AND TIMEFRAMES:

- 18-83 [BPA plans to begin clearing and road building in 1999. For some species, surveying at the appropriate time for the specie just prior to tree removal in 1999 would be adequate. Others should have two appropriate seasons of surveying.
- 18-84 [Survey appropriate habitat for each specie in and adjacent that portion of the ROW where it is likely to occur.
- Western boreal toads--any ponds or backwater areas--Mid May-thru June 1999
- Spotted frogs--any ponds or backwater areas--Mid-May-thru June 1999

- 18-84 cont. Bats---surveys over creeks and rivers under power lines--July/Aug 1998
- Lynx/fisher/wolverine--snowtracking---Jan - March 1998/1999
- Harlequin duck--Trail Creek, Pine Creek, Moose Creek--1998/1999
- Three-toed woodpeckers---Mid-May thru June 1999
- Boreal owl----Feb thru March 1999
- Flammulated owl---Mid-May thru June 1998/1999
- Great gray owl---end of May thru first half of July 1998/1999
- Goshawk----June and July 1998/1999

REQUIREMENTS:

- A Team of Targhee wildlife biologists will review and approve the survey protocol and timing requirements to be used for each sensitive specie prior to BPA letting the wildlife survey contract.
- A team of Targhee biologists will review the biological evaluation on sensitive species for adequacy.
- 18-85 [A. Villaruz (Jackson Ranger District, BT), B. Alford and M. Oechsner agree to modify the date before which no tree removal should take place, from August 1 to July 15th. BPA should begin work in the lower elevations on or after this date and then move to the higher elevations later. If BPA wishes to start removing trees before July 15th, every tree to be removed must be searched for active cavities and nests prior to cutting. Nest and cavity searches must be performed in addition to the surveys specified by the FS and submitted to BPA on July 9, 1997.
- Should an active nest or cavity of a sensitive specie be found, the Revised Targhee FP or the BT FP (which ever is appropriate per location) standards and guidelines will be followed.
- GPS locations of all survey sightings and nest locations will be given to the USFS prior to ground disturbing activities.
- A team of Forest biologists will determine appropriate site specific mitigation measures for wildlife.
- Jack Bogle - Teton Basin District, Targhee 208-354-2312
- 18-86 [5.2.1.2 - Additional ROW - Need to address clearing limits as well as ROW width
- 18-87 [5.2.1.3 - Roads - We should state that some of the roads will be used for tree removal.

Comment Letters

- 18-88 ☐ 1.3.3 - Recreation Resources - Refer to the skiers as backcountry skiers not alpine and nordic. Also mention snowmobiling.
- 18-89 ☐ 2.1.4 - Gates - where possible build gates that will allow for horses, mountain bikes, etc. to access around the gates.
- 18-90 ☐ 3.2.5 - Need to make an effort to coordinate w/ the BT on color requirements for towers etc.
- 18-91 ☐ General comment - I didn't see any discussion of any potential benefits of better service to Teton Valley Idaho which I understand to be the case.

LAKE CREEK ACRES II HOMEOWNER'S
ASSOCIATION PO BOX 6296
JACKSON, WY 83002

7/15/97

TO: MIKE JOHNS, PROJECT MANAGER
DEPARTMENT OF ENERGY, BONNEVILLE POWER ADMINISTRATION
PO BOX 3621
PORTLAND, OR 97208-3621

AND EIS FILING BRANCH, OFFICE OF FEDERAL ACTIVITIES (A104)
ENVIRONMENTAL PROTECTION AGENCY
ROOM, 2119 MALL 20460
401 M STREET SOUTH WEST
WASHINGTON, DC 20460

RE: PROPOSED BPA/LOWER VALLEY TRANSMISSION PROJECT DOE/EIS 0267
TIME EXTENSION REQUEST PUBLIC COMMENT PERIOD

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG# 6296 UAL - 02-019
RECEIPT DATE: AUG 20 1997

The Board of Directors of Lakecreek II Acres respectfully requests an extension in the time period for public comment on the Draft EIS currently being circulated by BPA. We request an extension of 30 days, extending the comment period to September 11, 1997 for the following reasons:

1. Several members of our association and our advocates, who did comment during the Scoping process, who are directly impacted by the proposed project, did not receive the complete Draft EIS. Others who, for practical purposes only asked for the Summary, are finding the Summary is not adequately detailed and they must now request the complete draft. In studying the DEIS, in conjunction with NEPA and the CEQ, we have serious concerns that our rights under these laws have been violated both in the past (by Categorical Exclusions, and wetlands issues) as well as currently with the treatment of "significant" impacts to "human environment" and "cumulative impacts," all addressed in specific sections of NEPA and CEQ. To absorb a 400 page EIS, apply NEPA and CEQ and have informed and accurate comments by our property owners and advocates, we require additional time. We believe that under NEPA regulations 1502.19 and 1506.10 (d), our property owners and advocates, are entitled to the extension.

Additionally, as we attempt to discuss the Draft EIS with our elected officials at Teton County, Wyoming and the State of Wyoming, we are finding that many of these folks are not in possession of the Draft EIS, and that all need more time to review this exhaustive document and cross reference NEPA and CEQ before they can prepare an informed public comment. Under NEPA 1506.10 (d) we find this to be compelling reason to extend the comment period. Please consider that in the past, Teton County regulations and permit process have been entirely ignored. This, along with our proximity to national park lands and wetlands (CEQ 1508.27 b3), makes it critical that our County, State and Federal officials have adequate time to comment on the Draft EIS.

19-1

Comment Letters

MIKE JOHNS, PROJECT MANAGER/EIS FILING BRANCH
BPA/LOWER VALLEY TRANSMISSION PROJECT DOE EIS 0267

2. As lay people, we are at a severe disadvantage, trying to digest an enormous amount of technical information relating to NEPA, Council of Environmental Quality, the Code of Federal Regulations, Noise Control Act, Pollution Control at Federal Facilities and EIS regulations, County and State regulations among many other large bodies of information. BPA has opted for the statutory minimum for Public Comment (45 days), when in fact the Draft EIS itself took 90 days longer to complete than projected.

We have participated in a spirit of goodwill with the Scoping Process and made our comments during the Draft preparation. This EIS document required two years and 23 BPA employees to complete. The EIS preparers are immersed and educated in the components and understanding required. Certainly, citizens and public officials should be given adequate time to review, digest and comment on this huge project that drastically impacts our human and natural environment, our property values, our health, safety, visual and noise quality.

In keeping with the intent of NEPA 1501.1 (b), Lakecreek II residents have tried to be an integral part of the EIS process to date, and to avoid adversarial action at a later date. In keeping, please grant the requested extension for our and related public comment to September 11, 1997.

Sincerely,

LAKE CREEK ACRES II HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS

Michael Sellett

Larry K. Berlin AIA

Lisa St. Martin Cook

PUTNAM, HAYES & BARTLETT, INC.
ECONOMIC AND MANAGEMENT COUNSEL

VIA FACSIMILE MACHINE

25 July 1997

Mr. Michael C. Johns
General Engineer
Bonneville Power Administration
905 NE-11th Avenue
Portland, OR 97232

Dear Mike:

As a follow up to our conversation today, I would like to be put on the mailing list for information related to the construction of the new transmission line into the sub-station in the area located north of *The Aspen's* residential neighborhood in Jackson, Wyoming. As we discussed, I am considering purchasing a house that is located immediately south of the existing transmission line. In addition, I would like to receive a copy of the draft EIS.

Please send the above information to me at my office address in Washington, D.C. Thank you very much for your assistance in this matter.

Very truly yours,

James M. Speyer

James M. Speyer
Managing Director

1776 Eye Street, NW
Washington, DC 20006
(202) 785-4052 fax

(202) 775-7277 direct dial

RECEIVED BY BPA PUBLIC INVOLVEMENT	
LOG#: LWRVAL-02-021	
RECEIPT DATE:	AUG 20 1997

19-1
cont.

21-1

Comment Letters

08/11/1997 13:42 3877334451 3877334451 TETON COUNTY COMMISS PAGE 01

State of Wyoming
TETON COUNTY

VIA FACSIMILE AND POST

August 11, 1997

Mr. Mike Johns
BONNEVILLE POWER ADMINISTRATION
Public Involvement Office ACS
P. O. Box 12999
Portland, OR 97208
FAX: 503/230.4605

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: LWRVAL-02-022
RECEIPT DATE: AUG 20 1997

Dear Mr. Johns:

The Board of County Commissioners would like to respectfully request an extension to the comment period for the Draft Environmental Impact Statement for the Teton Substation. It is our desire to see the comment period ending August 12, 1997 for the EIS extended to September 17, 1997.

Due to the extensive, complex nature of the document, we feel that additional time is necessary for both public officials and citizens to be able to fully contemplate its content.

We look forward to your response and thank you very much for your consideration.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Mike Gierau

Mike Gierau

IDAHO FISH & GAME
UPPER SNAKE REGION
1515 Lincoln Road
Idaho Falls, Idaho 83401-2198

August 11, 1997

Philip E. Batt / Governor
Stephen P. Mealey / Director

Bonneville Power Administration
Public Involvement Office - ACS
P.O. Box 12999
Portland, OR 97208
Attn: Mike Johns

RECEIVED BY BPA
PUBLIC INVOLVEMENT
LOG#: LWRVAL-02-022
RECEIPT DATE: AUG 22 1997

Subject: Lower Valley Transmission Project, Idaho-Wyoming

Dear Mr. Johns:

Idaho Department of Fish and Game personnel have reviewed the referenced document and offer the following comments.

Avian Collisions

23-1 **Mitigation:** The document should be strengthened by committing to proposed actions, rather than only proposing mitigation that could or should be accomplished. An independent expert should be consulted as discussed on page 4-60. Burying the power lines where the line crosses flight paths would reduce avian collisions at the highest-risk locations. These sites are noted in Appendix D.

Trumpeter swan: Please see attached letter from the Trumpeter Swan Society. The comments are hereby incorporated by reference.

Big Game

23-2 **Winter range**
We recommend construction and other project-caused disturbances be prohibited between December 15 (or sooner if adverse weather conditions occur) and April 15 in delineated deer/elk winter range. Delineations are published in the Targhee Forest Plan Revision (1997) and the State of Idaho's Comprehensive State Water Plan, South Fork Snake River Basin (1996). This would complement the goals of those two plans. In Idaho, the restricted area would be from Poison Creek southwest to the Swan Valley substation. If unusually adverse weather conditions occur, we recommend the restrictions occur prior to December 15, as needed to protect wintering big game.

Comment Letters

23-3 [The statement that "most of the right-of-way is outside of big game winter range" is incorrect (Appendix D:34).

23-4 [Appendix D (page 7) should note that significant, avoidable, adverse impacts to wintering big game will result if project-related disturbances occur during the December to mid-April period on big game winter range. This impact should be avoided by prohibiting project-related disturbances, as recommended above.

23-5 [Habitat effectiveness and vulnerability
We recommend the access plan for existing and new roads and spurs include: 1) motorized vehicle closures are effective, and 2) motorized access and project-related maintenance activities are prohibited during the fall big game hunts, beginning August 30.

23-6 [It appears that Routing Option B would cause less impacts to big game than Options A or C, due to minimizing new road construction.

Fisheries and Water Quality

23-7 [For construction standards, consider all perennial and intermittent streams to have fish present at least a portion of the year, unless acceptable site-specific research indicates otherwise. Note that maintaining fish passage is legally required under Idaho Code Section 36-906; there should be no discussion of the potential impacts of blocking or impeding fish passage (page 4-63).

23-8 [We recommend willows be planted at erosive riparian impact sites, including bridges and fords.

23-9 [Throughout the text, "fine-spotted" (cutthroat) should be replaced with "Yellowstone". Also, Pine Creek is very valuable trout spawning and rearing habitat.

Mitigation

23-10 [The document indicates that as many as 181 acres of timberland would be lost, and converted to other vegetation types (page 4-3). It is unclear if additional acreage of non-timber types would be disturbed or lost. There also would be between 5 and 10 miles of new roads constructed, plus an unstated length of spur roads (page S-3). It is unclear whether the acreage of vegetation to be lost through construction of new roads and spur roads is part of the reported 181 acres, or if it should be added to that acreage number.

23-11 [It appears there would be 1) five to 10 or more miles of roads and spur roads

constructed, 2) potentially 181 or more acres of wildlife habitat permanently lost and/or maintained in early seral stages to prevent vegetation impacts on the transmission line, and 3) an unstated amount of wetlands impacted by installation of bridges, fords, roads, and culverts.

These are irreversible and/or irretrievable losses of forest resources and negative impacts for fish and wildlife, for which compensation should be provided. The 1980 Northwest Power Act (Public Law 96-501) indicates that Bonneville Power Administration is responsible to mitigate for fish and wildlife impacts resulting from transmission line expansion.

23-11
cont.

The Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program (1995) reports that mitigation is needed for transmission line impacts, noting that construction and maintenance of power transmission corridors alters vegetation, increases access to and harassment of wildlife, and increases erosion and sedimentation. The proposed transmission line would cause those impacts in an area delineated as big game winter range and crossing and paralleling important Yellowstone cutthroat spawning and rearing streams.

23-12

We recommend that partial mitigation be implemented, including prohibiting project-related disturbance during winter in big game winter range, reducing avian collision risks, minimizing road construction, effectively closing roads to motorized vehicles during deer and elk hunting seasons, and other mitigation actions proposed in the draft document. We also recommend full mitigation be implemented to the extent necessary to compensate for the permanent impacts of habitat losses and impacts to fish and wildlife.

Thank you for the opportunity to provide comments.

Sincerely,

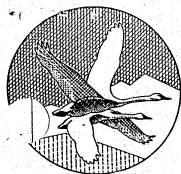
Don Wright

Don Wright
Regional Supervisor

DW:RM:rm

cc: Natural Resources Policy Bureau, IDFG
USFWS, Pocatello
Terry Thomas, IDFG
Lynn Merrill, IDFG
Mark Gamblin, IDFG
Ted Chu, IDFG

Comment Letters



THE TRUMPETER SWAN SOCIETY

3800 County Road 24 • Maple Plain, MN 55359 • 612/476-4663 • FAX 612/476-1514

ROCKY MOUNTAIN WORKING GROUP • 3346 E 200th N • Rigby, Idaho 83442 • 208/754-8756

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RIGBY, IDAHO 83442

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ROBLEY W.
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PETER WAR

July 6, 1997

Bob Martin
Idaho Department of Fish and Game
1515 Lincoln Road
Idaho Falls, ID 83401

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-024
RECEIPT DATE: AUG 22 1997

Dear Bob:

As you requested, I've reviewed the attached section 3.7.12 from the 12/03/96 draft of the EPA/B3 Resource Report which pertains to trumpeter swans. Unfortunately, there are a number of inaccuracies in this section. I've numbered the paragraphs on the attached sheets. My comments correspond to the numbered paragraphs:

1. The project area is within the summer range of the primarily non-migratory (resident) segment of the Rocky Mountain Population (RMP), which managers refer to as the Tri-state flocks. The project is also within the wintering range of the vast majority of RMP trumpeters. While the total RMP numbers over 3,000 and has been increasing for approximately 20 years, the resident Tri-state (Idaho, Montana and Wyoming) flocks have decreased over the last decade and numbered 379 in September 1996.

2. Trumpeter swan nest sites are located north and south of the project area, at Grays Lake NWR and Jackson Hole. There is potential for future nesting in Swan Valley although none has been documented this century to my knowledge. There was one unconfirmed nest attempt in Teton Basin within the past 30 years, but Teton Basin doesn't offer good potential nesting lakes or ponds. Most nesting is further north on the Ashton Ranger District of the TNF.

3. Scattered trumpeters are now wintering from Star Valley WY, all the way down the South Fork of the Snake to Heise.

4. 176 trumpeters wintered on the South Fork during the February 1997 USFWS survey. Most (148) were in Swan Valley, 28 were in the canyon. Wintering trumpeters regularly use a variety of spring-fed sloughs in the Palisades and Rainey Creek vicinities as well as the river.

24-5

5. In Teton Basin, hundreds of trumpeters regularly winter along the river with the vast majority in the vicinity of Teton Valley Lodge. As I mentioned in #2, the record of nesting in Teton Basin is poorly documented, but at best represents an atypical occurrence.

24-6

6. There are a number of nesting territories in Jackson Hole, Christian Pond is just one of them.

24-7

7. Pine Creek drainage is a very likely travel corridor from Teton Basin to Swan Valley for trumpeters.

24-8

8. As of 1997, attempts to rebuild migrations and disperse the RMP are showing good prospects for success. Over 800 RMP trumpeters wintered outside the Tri-state region during winter 1996-97.

24-9

I'm not familiar with the proposed project but would like to emphasize that trumpeter swans are highly vulnerable to powerline collisions. There are a number of design measures and types of markers that can be used to reduce the potential for collisions by swans and other birds. My husband, Dr. Rod Drewien, conducted considerable research on this subject for the Edison Electric Institute. If that information would be helpful in planning for this project, Rod can be reached at 208-754-8756.

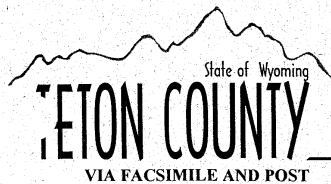
I hope this information is helpful. Please keep The Trumpeter Swan Society informed regarding the status and details of this proposal so that we can help avoid potential impacts on trumpeters and other species.

Sincerely,

Ruth Shea

Ruth E. Shea

Comment Letters



RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-025
RECEIPT DATE: SEP 03 1997

Michael F. Gierau, Chair
Robert L. Shervin, Vice Chair
Ann Stephenson, Commissioner
Sandy Shuptrine, Commissioner
Bill Paddleford, Commissioner
Gary Debus, Director of Administrative Service

August 21, 1997

Mr. Lew Dreisen
BONNEVILLE POWER ADMINISTRATION
Public Involvement Office ACS
P.O. Box 12999
Portland, OR 97208

FAX: 503/230.4605

Dear Mr. Dreisen:

The Lake Creek II homeowners association approached the Board of County Commissioners regarding the BPA/Lower Valley Transmission Project and the various options being considered at the Teton Substation. The HOA expressed a strong desire to understand the technical characteristics of each of the substation options as well as the SVC alternative.

The HOA has contracted a specialized engineer to assist in their evaluation of the Draft EIS. During the July 24 meeting held at the LVP&L offices, BPA agreed to provide the homeowners with photos, models, specifications, and cost estimates for three options at the Teton Substation. These included the overhead option, the 400-foot undergrounding option, and undergrounding from the Fish Creek area.

The Lake Creek homeowners can make informed reply within the comment period if this previously requested information is provided to them as soon as possible. We believe that these visualizations and specifications will assist them in their understanding of the various alternatives proposed in your DEIS. We are also interested in this information and trust that it will be forthcoming soon.

We appreciate the extension of the comment period and hope to provide you with meaningful input.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Mike Gierau

Cc: Lake Creek II HOA
FAX 307/733.1593 #8

25-1



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
500 NE Multnomah Street, Suite 600
Portland, Oregon 97232-2036

August 26, 1997

ER 97/0373

Nancy A. Wittpen
Environmental Project Leader
Department of Energy
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97308-3621

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-026
RECEIPT DATE: SEP 05 1997

Dear Ms. Wittpen:

The Department of Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Bonneville Power Administration (BPA)/Lower Valley Transmission Project. The following comments are provided for your use and information when preparing the Final Environmental Impact Statement (FEIS).

The DEIS states on summary page S-4 under 5.2.1.4: "All new equipment would be placed on BPA property." The FEIS should note that the new equipment would be placed on Bureau of Land Management administered land which the BPA has been granted a right-of-way for the operation of the Swan Valley Substation.

Thank you for the opportunity to comment.

Sincerely,

Preston A. Sleeper
Acting Regional Environmental Officer

26-1

Comment Letters

Memorandum

To: Governor Jim Geringer
 U.S. Representative Barbara Cubin
 U.S. Senator Mike Enzi
 U.S. Senator Craig Thomas
 Senator Grant Larson
 Senator Clarene Law
 Representative Bud Betts
 Bill Collins, Teton County Planning Director
 Kurt Moore, Teton County Planning Department
 Mike Gierau, Chairman, Teton County Commissioners
 Bob Shervin, Teton County Commissioner
 Sandy Shuptrine, Teton County Commissioner
 Ann Stephenson, Teton County Commissioner
 Bill Paddieford, Teton County Commissioner
 James R. Little, MD, President B.O.D. LVPL, Inc
 Thelma Crook, Vice-President B.O.D. LVPL, Inc
 Dean S. Lewis, Secretary-Treasurer B.O.D. LVPL, Inc
 Peter L. Cook, B.O.D. LVPL, Inc
 Fred Brog, B.O.D. LVPL, Inc
 Rod R. Jensen, B.O.D. LVPL, Inc
 Warren Potash, B.O.D. LVPL, Inc
 Steve Duerr, Attorney at Law
 Bill Resor, Snake River Associates

Cc: Diane M. Connolly, Attorney at Law
 Leonard R. Carlman, Attorney at Law
 Phelps H. Swift, Jr., Attorney at Law
 Kenneth Cohen, Attorney at Law
 Henry C. Phibbs, Attorney at Law

From: Lake Creek II Homeowner's Association / LVPL

Date: 09/04/97

Re: Comments to DOE/EIS-0267 BPA/Lower Valley Transmission Project

Thank you for your past interest and involvement in this project, especially in obtaining the extension of the comment period. BPA will accept comments until September 11, 1997.

As promised, we have enclosed both an executive summary and a copy of the Lake Creek II Comment. We ask that along with comment generated by your own review of the EIS that you would also endorse and support our comments in writing to BPA. Please feel free to contact us if we can assist you in any way.

RECEIVED
 SEP 8 1997
 Holland & Hart

SEP 08 '97 04:36PM HOLLAND&HART

P. 3/17

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <u>LVPL VAL-02-027</u> RECEIPT DATE: <u>SEP 10 1997</u>

September 4, 1997

Executive Summary of Lake Creek II Comment - BPA/Lower Valley Transmission Project

After thorough review of the EIS and consultation with our legal counsel and technical experts, and despite our sincere and laborious efforts to be fully included in the process, we believe that our rights under the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), and certain other laws are being violated. Below are our continuing concerns:

I. The EIS Fails to Comply with NEPA

A. The EIS Fails to Respond to Scoping Comments

27-1

Despite NEPA requirements that federal agencies either respond directly to scoping comments or cite reasons for eliminating comments from consideration, BPA blatantly ignored the following: Consideration of relocation of Teton Substation; Disclosure of impacts specific to properties surrounding Teton Substation (Property Values, Visual, EMF and Noise); Provision of mitigation for cumulative impacts specific to properties surrounding Teton Substation; Consideration for the Verdons Landscape Architects' plan.

B. The EIS Fails to Consider a Reasonable Range of Alternatives

27-2

The alternative most detrimental to areas surrounding the Teton Substation is under serious consideration, yet no such consideration is given to the alternatives identified by Lake Creek II residents as least detrimental: relocation and underground termination. We ask for the inclusion of these alternatives and that underground termination be included in the body of all line alternatives under consideration.

C. The EIS Fails to Disclose Cumulative Impacts

27-3

The EIS does not contain site-specific evaluation of the impacts of alternatives within this project. The EIS neglects to disclose how the noise and EMF levels will change the tranquil and pleasant environments at our individual homes (near Teton Substation). Technical studies cited in the appendices relate only to lines, not substations.

D. The EIS Fails to Supply Mitigation for Cumulative Negative Impacts

27-4

The EIS does not include any mitigation for visual impacts or perceived risks, two factors which will degrade our property values; nor does it mention the landscaping plan submitted by Lake Creek II as part of our scoping comments.

II. What Lake Creek II Wants

27-5

The residents of Lake Creek II would like full compliance with the above-referenced NEPA and CEQ regulations. We desire full implementation of the Teton Substation Mitigation Action Plan to include the full Verdons Landscape Architect's Plan as well as all provisions cited in EIS 4.2.2.2 (Recommended Mitigation for Visual Assessment Area 7). We also would like a complete and detailed analysis of all underground termination options, thereby eliminating the need for the 54-ft. towers at the Teton Substation. We would like the \$250,000 budget relating to the underground termination option to be unconditionally committed for use at the Teton Substation.

III. Conclusion

27-6

We believe the shortcomings of the Draft Environmental Impact Statement both violate existing regulations and significantly hamper our capacity for "meaningful participation" in the NEPA process.

Comment Letters

SEP 08 '97 04:36PM HOLLAND&HART

P. 4/17

Lake Creek Acres II Board of Directors
P.O. Box 6296
Jackson, WY 83002

September 4, 1997

Lou Driessen, Project Manager
BPA Public Involvement Office
ACS P.O. Box 12999
Portland, OR 97208

Re: Comments of the Lake Creek Acres II Homeowner's Association on the Environmental Impact Statement for the BPA/Lower Valley Transmission Project.

Dear Mr. Driessen:

After thorough review of the EIS and consultation with our legal counsel and technical experts, and despite our sincere and laborious efforts to be fully included in the process, we believe that our rights under NEPA, the CEQ, and certain other laws are being violated. Below are our continuing concerns:

I. Legal Background

The National Environmental Policy Act (NEPA) requires each federal agency to prepare and circulate for public review and comment a detailed environmental impact statement (EIS) prior to any major federal action that may have a significant effect on the environment. 42 U.S.C. 4332 (2)(C); 40 C.F.R. 1502.5, 1508.3 Robertson v. Methow Valley Citizens' Council, 490 U.S. 332, 336, 109 S. Ct. 1835, 1839 (1989); Foundation for North American Wild Sheep v. United States Dept. of Agriculture, 681 F.2d 1172, 1177-78 (9th Cir. 1982).

In addition, Council on Environmental Quality (CEQ) regulations recognize the criticality of information quality to intelligent decision making. Information in NEPA documents "must be of high quality. Accurate scientific analysis . . . [is] essential to implementing NEPA." 40 C.F.R. 1500.1(b) EISs must analyze the effects of actions "which when viewed with other proposed actions have cumulatively significant impacts." 40 C.F.R. 1508.25(a)(2)

II. The EIS Fails to Comply with NEPA

27-7 The EIS fails to meet NEPA's requirements, failing to include some of the most basic information required in an EIS. Primarily, the EIS fails to respond to scoping comments, fails

• Page 2

September 4, 1997

27-7 cont. to consider a range of reasonable alternatives, fails to disclose in adequate detail the cumulative impacts of the project, and fails to provide for mitigation of cumulative negative impacts.

A. The EIS Fails to Respond to Scoping Comments

NEPA and regulations implementing it require agencies to consider comments both individually and collectively. When the agency determines a comment does not warrant further response, the agency must at least "explain why the comments do not warrant further agency response, citing sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response. 40 C.F.R. 1503.4

27-8 In our scoping comment dated 5/22/96, we asked that the EIS consider relocation of the Teton Substation. No where in the Draft EIS is this considered, nor are reasons cited for its elimination. During scoping, we also asked that the EIS provide for mitigation of cumulative negative impacts from the Teton Substation to the neighboring properties. These impacts include Property Values, Visual, EMF and Noise. The EIS neglects to disclose both the impacts and plans for mitigation. Scoping comments published in the 7/10/96 *FYI* pointedly identify our request that BPA evaluate the cost of achieving a balance in the distribution of costs and benefits of this project, yet the EIS gives no evidence of such evaluation or that such balance was sought. The EIS also neglects to mention the landscaping plan submitted by Lake Creek II as part of our scoping comments.

B. The EIS Fails to Consider a Range of Reasonable Alternatives

NEPA requires agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. 4332 (2)(E). Federal Courts and CEQ regulations implementing NEPA identify the discussion of alternatives as "the heart" of the NEPA process. This discussion must be one of sufficient detail, giving no more evidence for the agency proposed plan than for the alternatives. In fact, Federal Court decisions reflect the conclusion that, "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate." Resources Limited v. Robertson, 35 F.3d 1300, 1307 (9th Cir. 1993) (quoting Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992)). The EIS prepared by BPA, however, gives little to no consideration to two viable alternatives: relocation of the Teton Substation and underground technology.

27-12 The alternative most detrimental to Lake Creek II is being examined, yet no evidence indicates serious consideration of the alternative deemed least destructive by Lake Creek II. Such imbalance violates the requirement set by 40 CFR 1502.14 that the EIS, "rigorously explore and objectively evaluate all reasonable alternatives", devoting "substantial treatment to each alternative." In order that a reasonable range of alternatives be included in the EIS, we believe that relocation of the Teton Substation must also be considered as an alternative. NEPA makes clear that agencies must examine reasonable alternatives, even where the agency is without authority to implement them. 40 C.F.R. 1502.14(c). Federal courts conclude, "the evaluation of 'alternatives' mandated by NEPA is to be an evaluation of the

Comment Letters

• Page 3

September 4, 1997

alternative means to accomplish the general goal of an action; it is not an evaluation of the alternative means by which a particular applicant can reach his goals." Van Abbema v. Fornell, 807 F.2d 633, 638 (7th Cir. 1986). Agencies cannot use as justification the fact that they do not own land necessary for the alternative. Federal courts have held that such lack of ownership alternative sites "is only marginally relevant (if it is relevant at all) to whether feasible alternatives exist." Thus BPA must provide evidence as to the unreasonable nature of site relocation before summarily dismissing the alternative and must fully consider site relocation, regardless of its authority over land upon which the site would be built.

In our comments during Scoping and Draft preparation, we asked BPA to consider underground technology to reduce the height of equipment at Teton Substation. The EIS includes Option to the Proposed Agency Action, which suggests undergrounding the last 400 feet into Teton Substation. This Option, as it is written, may create as many problems as it solves, due to the need to increase the height of equipment at the Substation and additional large equipment outside of the Substation yard. The EIS fails to consider the full range of underground options, including that suggested by Lake Creek II of burying the last mile of line into the Teton Substation. Instead, the EIS focuses discussion on the environmental impact and high cost of burying thirty-six miles of the line. We request disclosure by BPA of the precise equipment, exact location and accurate cost estimates for the four termination options at Teton Substation. We do so in under the protection of 40 C.F.R. 1502.14, which requires the agency present the environmental impacts of the proposed action and alternatives in comparative form, sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. Models, renderings and specifications would be most useful in our analysis. Termination options include:

A) Overhead termination of line; B) Undergrounding of last 400 feet into Teton Substation; C) Undergrounding line from Fish Creek into Teton Substation; D) Underground termination of all existing and proposed lines into Teton Substation.

We ask the Underground Termination Option, and its associated expenses, be included in the body of all line alternatives being considered. We also ask that the cost of the underground option be unconditionally committed for use at the Teton Substation. If it is determined by Lake Creek II that undergrounding is not the best way to mitigate visual impacts, these funds would supplement the Teton Substation Mitigation Action Plan.

C. The EIS Fails to Disclose Cumulative Impacts

The EIS does not disclose how the various alternatives will affect our specific environment despite CEQ requirements that EISs identify "environmental effects and values in adequate detail" and "succinctly describe the environment of the areas to be affected or created by the alternatives under consideration" 40 C.F.R. 1502.2, 1502.15. The EIS fails to divulge how EMF and noise levels will increase at our individual properties, to discuss visual impacts specific to our individual properties, and to identify the effect on property values in Lake Creek II. Such negligence violates 40 C.F.R. 1508.25 and 1508.27, which mandate that scope include, "cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact

• Page 4

September 4, 1997

statement." The term "significant" is here defined in terms of both context and intensity, demanding a site-specific analysis unlike the analysis contained in this EIS.

The EIS neglects to disclose exactly how the noise and EMF levels will change the tranquil and pleasant environment at our individual homes. What are the noise levels from Teton Substation at the substation fence and our homes now? How will they change with the different alternatives, in particular the SVC? Studies included in Appendix C as evidence of the low risk of EMF exposure deal only with power lines, not exposure near substations like the one located in Lake Creek II. BPA states that magnetic field levels near the Teton Substation will decrease with the agency proposed action relative to "all other alternatives." Those only include the alternatives actively under consideration by BPA as opposed to *all* alternatives. BPA fails to provide adequate information as to the current levels of EMF and how they are expected to change.

While both the National Research Council and the EPA's Science Advisory Board concluded that a causal link between EMF and cancer was not established, both committees cautioned that "the lack of evidence surrounding EMF does not necessarily mean that the issue/question can be ignored" (EIS C-4). BPA acknowledges the lack of information: "Because no hazardous effects of electric or magnetic fields have been confirmed, it is not possible to identify 'unsafe' field levels" (EIS C-6).

If BPA recognizes the potential (even if small and unlikely) health risks associated with EMF levels from exposure to power lines, why would they think that citizens would not make the same mental association? Isn't it possible that both current residents and potential residents of the affected communities worry about EMF exposure and that the addition of new equipment to the Teton substation along with new lines running overhead would increase their perceived risks, significantly affecting the property values in the region? While logically inescapable, this factor is not addressed by the EIS. The Property Values analysis uses studies of urban areas, not the scenic residential of the proposed project; all relating to lines, not substations. These studies are not relevant to this project and do not accurately show the decrease in property values as a result of BPA's operation of Teton Substation, which is an identified category of impact.

D. The EIS Fails to Supply Mitigation for Cumulative Negative Impacts

"Implicit in NEPA's demand that an agency prepare a detailed statement on 'any adverse environmental effects which cannot be avoided should the proposal be implemented' 42 U.S.C. 4332(C)(ii), is an understanding that NEPA documents will discuss the extent to which adverse effects can be avoided." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 351-52 (1989). CEQ regulations implementing NEPA require the agency to discuss possible mitigation measures: in defining the scope of the EIS, 40 C.F.R. 1508.25 (b); in discussing alternatives to the proposed action, 40 C.F.R. 1502.14(f); in discussing consequences of that action, 40 C.F.R. 1502.16(h); and in explaining its ultimate decision, 40 C.F.R. 1505.2(c).

The EIS does not include any mitigation of visual impacts or perceived risk, two factors which will degrade property values. In Table 2-4 of the EIS, BPA plainly states that

Comment Letters

• Page 5

September 4, 1997

27-21
CONT.

the visual impacts range from low to high with the agency proposed action, more specifically that "high impacts would occur at Teton Pass and near Teton Substation." In the same chart, BPA claims, "Property values are not expected to be adversely impacted over the long-term." How can BPA make these statements simultaneously? Perhaps they conclude that property values generally will not be significantly impacted, but it is unreasonable to think the high visual impact near Teton Substation will not affect property values in that area. In accordance with regulations requiring site-specific analysis and mitigation for negative cumulative impacts, we demand both information regarding the impacts in the area near Teton Substation and a mitigation plan to avoid, lessen, or compensate for these impacts.

27-22

BPA fails also to consider perceived risk in its assessment of visual impacts. While BPA promises not to ignore the issue of EMF/health hazards and refers to their course of action as "reasonable and prudent," BPA commits only to taking "low cost" steps to minimize exposure (EIS C-6).

27-23

No where does the EIS mention the landscaping plan submitted by Lake Creek II as part of our scoping comments. Consistent with our rights under NEPA and the CEQ and our Scoping Comments, we request that the EIS adopt visual mitigation per the Verdone Landscape Architects plan (dated 11/13/96, revised 7/29/97). This plan would screen the significant cumulative visual impacts at Teton Substation and satisfy the requirement set forth in 40 C.F.R. 1500.2 that the agency use "all practicable means . . . to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects."

27-24

In response to this plan, BPA made only a token offer, which has not been accepted by Lake Creek II. Throughout the EIS, this offer is being misinterpreted as "landscaping achieved." The EIS states that "BPA and surrounding neighbors are putting in landscaping that helps screen new substation equipment added in 1993-94" as a mitigation measure. EIS at 4-4, 4-13. This statement is completely inaccurate. BPA has done nothing to mitigate the negative visual impacts which resulted from these additions, nor does the EIS mention expansions which took place in 1995 without regard to NEPA compliance regulations. Even if this mitigation had occurred, such mitigation would not mitigate the effects of the proposed new action. Clearly, BPA cannot be allowed to rely on non-evidenced mitigation of past actions to meet NEPA requirements to provide a detailed plan for mitigation for the actions proposed in the EIS. The Verdone Landscape plan is reasonable and the token offer by BPA is simply inadequate to mitigate the significant cumulative impacts of Teton Substation.

27-25

At page 3-8 of the EIS appears an attempted justification to eliminate need for further evaluation of mitigating impacts of the proposed action on the Lake Creek II residents. The EIS tries to deflate the impact of the Teton substation expansion by mounting the following defense: "In years of high snowfall, some resident views would be blocked by snow piles from the clearing of snow from the streets." At 3-15, however, the EIS reports that precipitation at Jackson annually is about 15 inches, not all of which is snow. One could not logically conclude that snow piles could effectively conceal the visual contamination that would result from several fifty-four foot transmission towers.

27-26

When discussing the alternative of the Static Var Compensator (SVC), the EIS mentions design options available to minimize the noise and EMF of the SVC. The

• Page 6

September 4, 1997

27-26
CONT.

technologies should be used, even at extra expense, to protect the human inhabitants, property values and natural environment as mandated in 40 C.F.R. 1500.2. Pursuant to 40 C.F.R. 1502.14(f), adequate mitigation should be an inherent part of this alternative and all other alternatives.

27-27

The SVC is the most expensive (long term), the least reliable, noisiest and most EMF intensive of the alternatives. It is a short-term solution and is highly destructive to our human environment. Since the new line will be needed in seven years, it is also duplicative. Collectively, these reasons make the SVC the worst alternative for the community, for Lake Creek II residents, and for the natural environment surrounding us. If the SVC alternative is chosen, we ask that it be cited at another location, not the Teton Substation. If the SVC and Teton Substation are selected as the preferred alternative, property values compensation will be sought.

III. Conclusion

27-28

We believe failures to respond to scoping comments, to consider a reasonable range of alternatives, to identify cumulative impacts, and to provide for mitigation of negative cumulative impacts constitute violations of NEPA regulations and impede public participation in the NEPA process. DOE/EIS-0267's lack of information critical to such meaningful participation threatens the intended operation of the NEPA process in the BPA/Lower Valley Transmission Project.

27-29

We feel the effectiveness of the comment period was hampered by lack of available information and failure to respond to our scoping comments. We asked for consideration of the big picture, meaning past, present and future impacts, but information was inadequate regarding all three. Having made this request in the Scoping phase, we fully expected the analysis to reflect the cumulative impacts of past, present and future actions of BPA's operations in the study area. When this request was ignored, we submitted a request for documents under the Freedom of Information Act. We feel the comment period should be extended pending receipt and review of these documents.

Thank you for this opportunity to comment.

Sincerely,

Lake Creek Acres II Homeowner's Association
Board of Directors

Michael Sellert

P.O. Box 6290
Jackson, WY 83002
(307) 733-1593

Larry K. Berlin AIA

Lisa St. Martin Cook
Lisa St. Martin Cook

Comment Letters

Diane M. Connolly

Attorney at Law

2260 Baseline Road, Suite 100A, Boulder, Colorado 80302
telephone: (303) 541~0033 facsimile: (303) 541~0098

September 10, 1997

Public Involvement Office
Bonneville Power Administration
P.O. Box 12999
Portland, Oregon 97212

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <u>LWRVAL-C2-028</u> RECEIPT DATE: <u>SEP 15 1997</u>

Re: Comments on the BPA/Lower Valley Transmission Project Draft Environmental Impact Statement ("DEIS")

Dear Sir or Madam:

I am writing these comments on behalf of my client, the Lake Creek Acres II Homeowners' Association, which is comprised of nearly fifty individuals who reside on eighteen residential lots adjacent to the Teton Substation. The Substation will be expanded if the proposed alternative in the DEIS is implemented. We appreciate this opportunity to comment and explain how the DEIS does not meet the statutory requirements established in National Environmental Protection Act ("NEPA"), 42 U.S.C. §§ 4321-4370d, the mandates established in the implementing regulations promulgated by the Council on Environmental Quality, 40 C.F.R. §§ 1500-1517, and applicable case law.

Specifically, the DEIS is deficient because it omits discussion of certain significant impacts of the project, fails to provide sufficient information about and analysis of cumulative impacts, and does not address mitigation of the visual impacts on the residents of Lake Creek Acres II ("Lake Creek II").

I. INTRODUCTION: LEGAL BACKGROUND

NEPA begins with a broad declaration of Congressional intent to protect and promote environmental quality. 42 U.S.C. § 4331. The Act requires all agencies that propose a major federal action that will significantly affect the quality of the human environment to prepare a detailed statement of--

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources.

42 U.S.C. § 4332.

Courts have interpreted NEPA to require agencies to take a hard look at the environmental impacts of proposed projects, Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989), Kleppe v. Sierra Club, 427 U.S. 390, 410 n.21 (1976); including direct, indirect and cumulative impacts. See 40 C.F.R. § 1508.9(b). "Indirect effects" include effects "caused by the action that are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8(b).

The United States Supreme Court has clarified that the purpose behind NEPA is to ensure that federal agency decision-making is based on "detailed information concerning significant environmental impacts; [NEPA] also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision." Robertson at 349. "NEPA ensures that important effects will not be overlooked or underestimated. . . . Id. "Publication of an EIS, both in draft and final form, also serves a larger informational role. It gives the public the assurance that the agency 'has indeed considered environmental concerns in its decisionmaking process.'" Id. (citations omitted).

The Tenth Circuit recently stated: "NEPA ensures that a federal agency makes informed, carefully calculated decisions when acting in such a way as to affect the environment." Catron County Board of Commissioners v. U.S. Fish and Wildlife Service, 75 F.3d 1429, 1437 (10th Cir. 1996). The court went on to say that "NEPA documentation notifies the public and relevant government officials of the proposed action and its environmental consequences and informs the public that the acting agency has considered those consequences." Id.

NEPA, thus, is a statute that mandates collection, analysis and dissemination of information. Federal agencies that shirk their duty to examine information about, evaluate impacts of and review alternatives to proposed actions face litigation that halts implementation of proposed actions until full NEPA compliance occurs. See, e.g. Catron County supra.

II. THE DEIS DOES NOT DISCLOSE OR EVALUATE ALL DIRECT IMPACTS OF THE PROPOSED PROJECT

NEPA requires Environmental Impact Statements to include a "detailed statement" of "the environmental impact of the proposed action." 42 U.S.C. § 4332(C). The implementing regulations further clarify that "[t]he environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration." 40 C.F.R. § 1502. The examination of effects or

Comment Letters

impacts¹ must include an evaluation of both direct effects and indirect effects that are caused by the action and are reasonably foreseeable. 40 C.F.R. § 1508.8. If an agency determines that potential effects are insignificant, it must provide a "convincing" statement of reasons to support that conclusion. Save the Yaak Committee v. Block, 840 F.2d 714, 717 (9th Cir. 1988), quoting Steamboaters v. FERC, 759 F.2d 1382, 1393 (9th Cir. 1985).

The DEIS does not contain a correct or sufficient discussion of the impact the action will have on property values and salability in the Lake Creek II community. This issue is discussed in the section that covers Socioeconomic impacts. In that section, the DEIS summarily states that "[t]he new line is not expected to cause overall long-term adverse effects on property values along the existing ROW." DEIS at 4-70. To support that assertion, the section refers to Appendix G, which contains a brief discussion of a few studies on the impact of electrical transmission lines on property values.

Significantly, the cited studies addressed property values of homes adjacent to transmission lines, not transmission stations. It is common sense that the impact of living near an entire transmission station is greater than the impact of living near a transmission line. Thus, the studies cited in the DEIS provide no support for the conclusion that there will be no long-term adverse impact on property values within Lake Creek II. The DEIS's failure to consider the impact of an enlarged transmission station on neighboring property owners is a significant omission.

Furthermore, none of the studies referred to was conducted in Wyoming or in an area renowned for its scenic beauty as is Jackson Hole. Certainly, the impact of enlarging a transmission station depends in large part on the location of that station. Accordingly, even if the cited studies had examined the effect of transmission stations on property values, they would still be irrelevant because they do not examine impacts on areas that have Jackson's unique attributes.

Another significant impact that is considered then summarily dismissed is the health hazard associated with EMF. See DEIS Appendix C. BPA reviewed some EMF exposure studies, but as with the review of property value issues, BPA only examined studies that pertained to EMF exposure by those who reside near transmission lines, not transmission stations. Of course, then, the cited studies do not support a casual dismissal of the impacts of EMF exposure on Lake Creek II residents. Moreover, the EIS acknowledges that the research on EMF exposure is "suggestive" of harm, yet it shows a unwillingness to do anything about that hazard when it states that "BPA will take reasonable low-cost steps to minimize EMF exposure while taking into account operation and maintenance considerations." Appendix C at C-6.

¹ The terms "effects" and "impacts" are synonymous for NEPA purposes. 40 C.F.R. § 1508.8.

III. THE DEIS DOES NOT ADDRESS ALL CUMULATIVE IMPACTS AND INDIRECT EFFECTS

NEPA requires federal agencies to look at a broad range of impacts of proposed actions. NEPA documentation must examine cumulative impacts associated with a proposed agency action. "The EIS is, by its very nature, a cumulative impacts document." Resources Limited, Inc. v. Robertson, 35 F.3d 1300, 1305 (9th Cir. 1994). See also City of Tenakee Springs v. Clough, 915 F.2d 1308, 1312 (9th Cir. 1990); NRDC v. Callaway, 524 F.2d 79, 87-88 (2d Cir. 1975). NEPA regulations define "cumulative impacts" as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7 (emphasis added).

The CEQ regulations and federal case law also require agencies to disclose the direct and indirect environmental effects that a federal action will have on non-federal lands. 40 C.F.R. § 1508.8; See City of Davis v. Coleman, 521 F.2d 631, 677-81 (9th Cir. 1975)(agency must analyze development impacts in EIS when federal approval of a highway project is likely to have impacts on development of surrounding area,); Coalition for Canyon Preservation v. Bowers, 632 F.2d 774, 783 (9th Cir. 1980); Sierra Club v. Marsh, 769 F.2d 868, 877-89 (1st Cir. 1985)(agency failure to consider private development impacts that were likely to result from its approval of causeway and port facility rendered NEPA documentation inadequate.)

Similarly, related proposals must be considered for decision together in a single EIS. Thomas v. Peterson, 753 F.2d 754, 758 (9th Cir. 1985); 40 C.F.R. § 1508.25(a). This NEPA requirement prevents the division of a project into multiple "actions," each of which individually might have a lesser environmental impact but which collectively have a substantial impact. Thomas, 753 F.2d at 758.

Actions are "connected" and, therefore, must be evaluated in a single EIS if one action:

- (i) Automatically triggers other actions which may require environmental impact statements;
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously;

Comment Letters

(iii) Is an interdependent parts of a larger action and depends on the larger action for its justification.

40 C.F.R. § 1508.25.²

Whether viewed as a failure to examine all cumulative impacts, indirect effects or connected actions, the DEIS fails to meet NEPA's mandate to take a broad view of the impacts of a proposed action. The DEIS neither looks forward nor back in time to review the effects of the proposed action in the context of past and future associated actions. There is a terse statement that "[t]here would be cumulative impacts to neighbors of Teton Substation from adding equipment to the substation. . . . As utility infrastructure continues to be needed, this conflict can continue." DEIS at 4-5. This brief statement does not rise to the required level of analysis, and the fact that past expansion was performed without any NEPA analysis underscores the need for an examination of the impact of the proposed expansion coupled with the past expansion. BPA cannot satisfy its duty to provide cumulative impact analysis by simply stating that there will be cumulative impacts from the proposed expansion. Rather, those cumulative impacts must be listed and evaluated.

While the DEIS at least mentions that there are cumulative impacts associated with past expansion, the DEIS is entirely devoid of any reference to the cumulative impacts associated with reasonably foreseeable additional expansion of the Teton Substation in the future. The DEIS also omits any mention or discussion of the cumulative impacts of the residential and commercial development that is a reasonably foreseeable result of the increased provision of electricity that would be made possible by the proposed agency action. That development is the motivating factor behind the project, and its impacts must be addressed in the EIS in order for that document to fulfill the mandates of NEPA.

IV. THE DISCUSSION OF MITIGATION IN THE DEIS IS INADEQUATE

NEPA regulations require that an EIS:

- (1) "include appropriate mitigation measures not already included in the proposed action or alternatives," 40 C.F.R. § 1502.14(f); and
- (2) "include discussions of: Means to mitigate adverse environmental impacts (if not fully covered under § 1502.14(f))" 40 C.F.R. § 1502.16(h).

² Only one of the three elements need be present to find a connected action. E.g., Town of Huntington v. Marsh, 859 F.2d 1134, 1142 (2d Cir. 1988) (connected action based solely on subsection (iii)), cert. denied, 494 U.S. 1004 (1990); Alpine Lakes, 838 F. Supp. at 482 (same).

The Council on Environmental Quality has also stated that "[a]ll relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperation agencies." Forty Most Asked Questions Concerning CEO's National Environmental Policy Act Regulations, 46 Fed. Reg. 18026, 18031 (March 23, 1981).

In addition, the agency proposing a major federal action is required to "[s]tate whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation." 40 C.F.R. § 1505.2(c)(emphasis added).

NEPA requires that mitigation measures be reviewed during the NEPA process -- not in some future decision shielded from public scrutiny. "[O]mission of a reasonably complete discussion of possible mitigation measures would undermine the 'action-forcing' function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects." Robertson at 353.

Appellate Courts have invalidated NEPA documents that rely on unspecified future actions to mitigate or avoid environmental impacts. Oregon Nat. Resources Council v. Marsh, 52 F.3d 1485 (9th Cir. 1995) (Elk Creek Dam III); Oregon Nat. Resources Council v. Marsh, 832 F.2d 1489, 1493 (9th Cir. 1987) (Elk Creek Dam I), rev'd on other grounds, 490 U.S. 360 (1989), California v. Block, 690 F.2d 753 (9th Cir. 1982).

The United States Supreme Court has reaffirmed the statutory and regulatory requirements that mitigation measures be included in an EIS:

To be sure, one important ingredient of an EIS is the discussion of steps that can be taken to mitigate adverse environmental consequences. . . . Implicit in NEPA's demand that an agency prepare an detailed statement on "any adverse environmental effects which cannot be avoided should the proposal be implemented," is an understanding that the EIS will discuss the extent to which adverse effects can be avoided. . . . Without such a discussion [of mitigation measures] neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects.

Robertson at 352 (citations omitted). As Robertson makes clear, mitigation must be "discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated." Id.

The DEIS states that "BPA and surrounding neighbors are putting in landscaping that

Comment Letters

28-5
cont.

helps screen new substation equipment added in 1993-94" as a mitigation measure. DEIS at 4-4, 4-13. First, and most importantly, this statement is not correct. No landscaping plan has been agreed upon or implemented. BPA has done nothing to mitigate the negative environmental impacts of the 1993-94 expansion, which, incidentally, was done without compliance with NEPA. Second, even if some mitigation of past expansion had been done, that mitigation of past effects does not mitigate the effects of the new proposed action that is the subject of the DEIS. It should be obvious that BPA cannot rely on non-existent mitigation of past agency actions to meet its duty to provide a detailed plan for mitigation of its new proposed action. Third, even if the mitigation referred to were implemented and did somehow relate to the proposed new expansion, the discussion of mitigation still fails to meet the statutory requirement that it be "reasonably complete." See Robertson at 352. Simple reference to landscaping without more detail about that landscaping cannot be considered "reasonably complete," and, thus, does not comply with NEPA.

28-6

The DEIS also states that mitigation of the effects of the proposed action will occur via coordination of "design and placement of new structures and equipment" with Teton Substation neighbors. DEIS at 4-4, 4-13. Design and placement of structures and equipment cannot do much to mitigate visual impacts because of the significant height required for the structures that are required for the project. This discussion of mitigation without even considering mitigation such as the detailed landscaping plan prepared by Lake Creek II fails to meet the requirements of NEPA.

28-7

In another section, the DEIS appears to use the "snow pile defense" to any need for a serious examination of mitigating the impacts of the proposed project on the Lake Creek II residents. The DEIS attempts to diminish the impact of the Teton Substation expansion by stating that "in years of high snowfall, some resident views would be blocked by snow piles from the clearing of snow from the streets." DEIS at 3-8. At the same time, the DEIS states that Jackson receives fifteen inches of precipitation annually (and not all of that is from snow). DEIS at 3-15. It is absurd to think that snow piles could effectively hide the visual contamination caused by several fifty-four foot transmission towers.

28-8

Finally, because the DEIS denies the socioeconomic impact of decreased property values and salability on Lake Creek II or the increased health risks associated with EMF exposure, it is also inadequate because it fails to address mitigation of those adverse impacts.

V. THE DEIS DOES NOT ADEQUATELY CONSIDER ALTERNATIVES TO THE AGENCY PROPOSED ACTION

The consideration of a range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. It is "absolutely essential to the NEPA process that the decisionmaker be provided with a detailed and careful analysis of the relative environmental merits and demerits of the proposed action and possible alternatives, a requirement that we have characterized as 'the linchpin of the entire impact statement.'" NRDC v. Callaway,

524 F.2d 79, 92 (2d. Cir. 1975). "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate." Resources Limited v. Robertson, 35 F.3d 1300, 1307 (9th Cir. 1993) (quoting Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992).

Both NEPA and the Administrative Procedure Act, 5 U.S.C. §§ 551-559, require that an agency's determinations be supported by factual information in the decision documents. "The agency must explicate fully its course of inquiry, its analysis and its reasoning." Dubois v. U.S. Department of Agriculture, 102 F.3d 1273, 1287 (1st Cir. 1996). An agency decision must always have a rational basis that is both stated in the written decision and demonstrated in the administrative record accompanying the decision. Kanawha v. Hocking Coal & Coke Co., 112 IBLA 365, 368 (1990).

28-9

BPA provided the most thorough analysis to its preferred alternative, but the other alternatives received only cursory summaries. For example, conservation as an alternative was summarily dismissed because previous conservation efforts did not reduce energy demand as much as BPA believes is needed. DEIS at 2-15. The DEIS contains no discussion, however, of how past conservation efforts could be improved upon so that conservation provides a more effective method of reducing the demand for electricity and thus perhaps obviating the need for increased electrical supply.

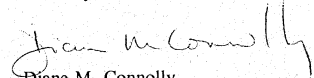
28-10

Another alternative that would significantly reduce impacts to adjacent landowners but that is not included at all in the DEIS is a partially buried line. This alternative would bury the portion of the new line as well as the existing line from Forest Service land to the Teton Substation. The trees at the perimeter of the Forest Service land would hide the ninety foot tower required at the point immediately before the line went underground, and would minimize the impacts on the Snake River Ranch and Lake Creek II residents.

V. CONCLUSION

Thank you for this opportunity to comment on the Draft Environmental Impact Statement. The residents of Lake Creek II look forward to working with you to improve the document and satisfy their concerns about the significant impact that the proposed expansion will have on their neighborhood.

Sincerely,


Diane M. Connolly
Attorney for Lake Creek Acres II
Homeowners' Association

Comment Letters



P.O. Box 340, Golden, Colorado 80402
(303) 279-7607 Fax (303) 279-7597

September 11, 1997

Lake Creek II Homeowner's Assn.
Attn: Lisa St. Martin Cook
P.O. Box 3335
Jackson, WY 83001

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-029
RECEIPT DATE: SEP 15 1997

Ms. Cook:

Peak Power Engineering, Inc. has been commissioned by Lake Creek II Homeowner's Association to review the draft EIS developed to examine various options to increase power availability and reliability into the Jackson Hole area. Peak Power Engineering has extensive experience in the design and construction of both substations and transmission lines and as a technical expert for Lake Creek II Homeowner's Association would like to offer the following comments regarding the Draft DOE/EIS 0267.

- 29-1 A. The following scoping comments were submitted and not addressed or not fully addressed in the Draft EIS:
1. Relocation of the Teton Substation
 2. Converting the existing as well as the new transmission lines entering/leaving Teton Substation to underground
 3. Utilization of low profile equipment at the substations
 4. Reduction of height and girth of Teton Substation
 5. Include impacts of noise, especially to residential areas. (SVC alternative)
- 29-2 B. Part of the scoping comments of direct concern to Lake Creek II have been included. However, not all scoping comments have been addressed nor have some of the scoping comments been addressed sufficiently. Relocation of the Teton Substation was not addressed in any form in the Draft EIS. It is believed that relocating the Teton Substation would eliminate any existing cumulative effects of the substation on the homeowners and also prevent any future impacts. Discussions of this alternative and cost estimates have not been included in the Draft EIS.
- 29-3 C. Converting transmission lines to underground installations into and out of Teton Substation was addressed only in the Agencies Proposed Action and as to only the last 400 ft into the substation. Lake Creek II requested consideration and cost

September 11, 1997: Lake Creek II Homeowner's Association
Draft DOE/EIS 0267 Evaluation

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- Page 1 of 3

C.C. BUILDERS

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29-3
cont.

estimates be given for burying the new incoming line and the three existing incoming/outgoing lines and to remove the existing 34 ft overhead dead-end structures at Teton Substation, replacing them with much lower underground termination structures. Underground entrance of all lines would require the installation of new foundations and steel termination structures in the substation and repairs to the existing ground grid/conduit where the new cable trench is routed. Replacing the existing lines or reducing the height of the existing structures at Teton Substation was not addressed in the Draft EIS.

29-4

- D. Lake Creek II also requested options be examined that reduce the girth and do not increase noise levels at Teton Substation. The SVC alternative would both increase the size of the substation and provide another noise source in the area. While the SVC would comply with the Teton County noise regulations, it is believed that the addition of an SVC at Teton Substation would not comply with the intent of Section 2390 (A) of Teton County's review standards that require, "utilities to be located and designed to minimize impacts on nature, scenic, agricultural and residential objectives." To minimize the impacts of the installation of an SVC the equipment required by the SVC could be placed in an enclosed structure which would minimize visual and effectively eliminate noise impacts to the surrounding areas. The cost of installation of the SVC with the intent of minimizing its impact would be much more expensive than that estimated in the Draft EIS.

29-5

- E. Throughout Section 2 of the Draft EIS, particularly Table 2-4 Visuals and Recreation, impact to the areas surrounding Teton Substation are considered high impact areas. It is also outlined in the discussion of all alternatives, except the No Action Alternative, that impacts around the Teton Substation would increase. These negative impact statements are then followed with the Property Impact Studies section in Appendix G that property values are expected to decrease/increase in the range of -1.05% to +1.46%. It is believed by Lake Creek II residents that property values will be significantly impacted by any additions to Teton Substation and that the studies that were performed in Seattle, Vancouver are substantially different in location and nature to accurately reflect what would happen in the Jackson Hole area.

In conclusion, our opinions are summarized below:

29-6

- A. Scoping comments should be thoroughly analyzed with regard to: Noise level, Mitigation of visual impacts and Use of underground technologies.

29-7

- B. The SVC alternative has the highest impact on Lake Creek II, is the least reliable and most expensive alternative in the long run and is a short term corrective action for the voltage problem. While it may be a viable alternative, it appears to be the least attractive alternative in terms of human impact and technical effectiveness.

September 11, 1997: Lake Creek II Homeowner's Association
Draft DOE/EIS 0267 Evaluation

97-1188\comment.ltr
- Page 2 of 3

Comment Letters

- 29-8 [C. The use of underground technologies should be fully explored in the effort to minimize visual impacts to property owners and other parties that could be affected by the new installations.
- 29-9 [D. Cumulative impacts of previous equipment placed at Teton Substation should be examined. Devaluation of property and commensurate mitigation should be seriously analyzed.

We appreciate the opportunity to comment on the Draft EIS. If you have any questions or comments, please give me a call at (303) 279-7607.

Sincerely,

Trevor K. Pfaff

Trevor K. Pfaff
Project Engineer - Principal

For: Lou DRIESSEN
BPA Public Involvement
ACS P.O. Box 12999
Portland, OR 97208

RECEIVED BY BPA PUBLIC INVOLVEMENT	
LOG#: LWRVAL-02-030	
RECEIPT DATE:	SEP 15 1997
September 8, 1997	

Executive Summary of Lake Creek II Comment - BPA/Lower Valley Transmission Project

After thorough review of the EIS and consultation with our legal counsel and technical experts, and despite our sincere and laborious efforts to be fully included in the process, we believe that our rights under the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), and certain other laws are being violated. Below are our continuing concerns:

I. The EIS Fails to Comply with NEPA

A. The EIS Fails to Respond to Scoping Comments

Despite NEPA requirements that federal agencies either respond directly to scoping comments or cite reasons for eliminating comments from consideration, BPA blatantly ignored the following: Consideration of relocation of Teton Substation; Disclosure of impacts specific to properties surrounding Teton Substation (Property Values, Visual, EMF and Noise); Provision of mitigation for cumulative impacts specific to properties surrounding Teton Substation; Consideration for the Verdore Landscape Architects' plan; Consideration for the equitable distribution of negative cumulative impacts.

B. The EIS Fails to Consider a Reasonable Range of Alternatives

The alternative most detrimental to areas surrounding the Teton Substation is under serious consideration, yet no such consideration is given to the alternatives identified by Lake Creek II residents as least detrimental: relocation and underground termination. We ask for the inclusion of these alternatives and that underground termination be included in the body of all line alternatives under consideration. We request also the inclusion of conservation as a component in each alternative instead of as a single and separate alternative (one which was dismissed by BPA).

C. The EIS Fails to Disclose Cumulative Impacts

The EIS does not contain site-specific evaluation of the impacts of alternatives within this project. The EIS neglects to disclose how the noise and EMF levels will change the tranquil and pleasant environments at our individual homes (near Teton Substation). Technical studies cited in the appendices relate only to lines, not substations. The EIS fails to address population and related growth that may result from the expansion of power resources.

D. The EIS Fails to Supply Mitigation for Cumulative Negative Impacts

The EIS does not include any mitigation for visual impacts or perceived risks, two factors which will degrade our property values; nor does it mention the landscaping plan submitted by Lake Creek II as part of our scoping comments. The failures of the EIS to identify the cumulative impacts listed in (C.) lead to weaknesses and gaps in proposed mitigations regarding those categories of impacts. No information is currently available regarding the impacts of substation expansion on property value, leaving residents at a disadvantage when assessing the fairness of proposed mitigation. We request that BPA provide such information (if in possession) or propose the commission of a local study to acquire information specific to the eco-sensitive area surrounding the Teton Substation.

II. What Lake Creek II Wants

The residents of Lake Creek II would like full compliance with the above-referenced NEPA and CEQ regulations. We desire full implementation of the Teton Substation Mitigation Action Plan to include the full Verdore Landscape Architect's Plan as well as all provisions cited in EIS 4.2.2.2 (Recommended

30-1

Comment Letters

30-1
cont.

Mitigation for Visual Assessment Area 7). We also would like a complete and detailed analysis of all underground termination options, thereby eliminating the need for the 34-ft. towers at the Teton Substation. We would like the \$250,000 budget relating to the underground termination option to be unconditionally committed for use at the Teton Substation.

III. Conclusion

We believe the shortcomings of the Draft Environmental Impact Statement both violate existing regulations and significantly hamper our capacity for "meaningful participation" in the NEPA process.

By signing below, you are endorsing the above position expressed by Lake Creek II.

Name (Please Print)

Signature

Address

SUSAN RAUCH Susan Rauch P.O. Box 960, Wilsn, WY
83014

9/2/97

Bonneville Power Administration
Public Involvement Office
PO Box 12999
Portland, OR 97208

Attention: Lou Dreisen
Project Manager


RECEIVED BY
PUBLIC INQUIRY
LOG#: LWRVAL-02-031
RECEIPT DATE
SEP 15 1997

Upon further review of the Draft EIS for the BPA/Lower Valley Transmission Project, I note that the following information, requested in Scoping Comments is absent from the draft document. I feel these issues have sincere validity and should be explored in detail, as well as their related mitigation measures. I also favor their implementation.

- 31-1 [1. Reducing the Teton Substation "superstructure" with the use of current and underground technologies. Analysis of the cumulative impacts and related mitigation measures which have resulted at Teton Substation, past, present and future, as required by NEPA.
- 31-2 []
- 31-3 [2. An extensive short and long range Mitigation Program to reduce and prevent visual impacts to property owners neighboring the Teton Substation should be analyzed and implemented. It is my understanding that Lake Creek II HOA has submitted a proposed landscape plan.
- 31-4 [3. Consider the cost/benefit analysis to bury both the existing line and the new line from Fish Creek into Teton Substation. I find little or no reference to this comment and no specific data indicating it has been analyzed.
- 31-5 [4. The Draft EIS includes an option to underground the last 400 feet of transmission line into Teton Substation. Absent from the document is the detail of the actual equipment; its placement and the resultant impacts and mitigations from this option.
- 31-6 [5. It is my understanding that BPA/LVPL committed to providing photos, models, cost estimates and specifications for the undergrounding options to Lake Creek II HOA. I wish to review this material as well. To date, only color photos attempting to simulate the impacts have been provided, however they are not adequate to assess the various impacts. I would request that the public process not be closed until adequate data has been provided to the public, so that reasonable and intelligent comments may be made.

Thank you for your prompt response.

response.


Peter P. van Roijen

Chapter 6 – Comments and Responses

6-45

Comment Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

September 11, 1997

Reply To
Attn Of: ECO-088

Ref: 97-036-BPA

Public Involvement Office - ACS
Bonneville Power Administration
P.O. Box 12999
Portland, Oregon 97212

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: <u>LRVAL-02-033</u> RECEIPT DATE: <u>SEP 16 1997</u>
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Dear Sir/Madam:

We have reviewed the Draft Environmental Impact Statement (draft EIS) for the proposed **BPA/Lower Valley Transmission Project** in accordance with our responsibilities under the National Environmental Policy Act and §309 of the Clean Air Act. The draft EIS analyzes alternatives related to the potential construction and operation of a 115-kV electrical transmission line through the Targhee and Bridger-Teton National Forests linking BPA substations located in Bonneville County, Idaho and Teton County, Wyoming.

33-1 Based on our review, we have assigned a rating of LO (Lack of Objections) to the Agency Proposed Action. This rating and a summary of our comments will be published in the *Federal Register*. A copy of the rating system used in our review of the EIS is enclosed for your reference.

Thank you for the opportunity to review this draft EIS. Should you have any questions, please feel free to contact me at (206) 553-8561.

Sincerely,

William M. Ryan
Environmental Review Team

Enclosure

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections

The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

Comment Letters

RECEIVED BY BPA PUBLIC INVOLVEMENT LOG#: LWRVAL-02-034
RECEIPT DATE: SEP 16 1997

FILE

Leonard R. Carlman
Attorney at Law
Law Offices of Frank Hess and Leonard R. Carlman

30 East Simpson Street
Post Office Box 3394
Jackson Hole, Wyoming 83001-3394

(307) 733-7881

Fax (307) 733-7882

September 10, 1997

Lou Driessen, Project Manager
BPA Public Involvement
Office
P.O. Box 12999
Portland, OR 97208

via fax to 503-230-5699

RE: Comment in reply to
BPA/Lower Valley Power and Light
Transmission Project Draft
Environmental Impact Statement;
DOE/EIS-0267

Dear Mr. Driessen,

I write in my capacity as an attorney on retainer to the Lake Creek Acres II Homeowner's Association (Lake Creek II). I am also a resident of Teton County, Wyoming, and am familiar with environmental concerns here.

Broad context:

Virtually since the first settlers arrived in Jackson Hole, modern people have recognized a duty of stewardship toward this unusually striking physical landscape. Not all, but many local residents, including those at Lake Creek II, appreciate the role of private property owners in using their property in a manner which permits the broader public interest in the sheer landscape beauty of Teton County, Wyoming, to be respected and preserved.

In its capacity as public entity leaders and experts in power transmission, we ask BPA to please join the now time-honored and broadly based effort to respect the scenic beauty of Jackson Hole.

My clients and I are electric power consumers; we seek to be respectful of the public fisc; we also strive to find the proper balance between the "progress" of more electric power, our duties as protectors of our own property values, and the tremendous public commitment made by so many people over the last one hundred years to maintain the profound visual splendor of Jackson Hole. Power lines and substations are among the various intrusions into that beauty; they are among the most severe.

Post-It™ brand fax transmittal memo 7671		*# of pages	4
To	Jan Pennington		
From	Len Carlman		
Co.	Co.		
Phone #		307-733-7881	

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PAGE 02

Lou Driessen, Project Manager
BPA Public Involvement Office
Comment in reply to BPA/LVP&L
Transmission Project Draft Environmental Impact Statement; DOE/EIS-0267
September 10, 1997
Page 2

34-1 Depending on their location, the lines and substations affect some people more, others less. The proposed action has the potential to benefit many electric power users, but falls hard with impacts on the comparatively few people who live and own property near the facilities. Where there is such an obvious and capable cost sharing and burden distributing mechanism -- the kilowatt hour price -- the benefit to all of a new power line should come at the equal expense of all, and not at the disproportionate expense of a few.

Lake Creek II, Connolly comments; revised DEIS:

34-2 I have read the separate and independent DEIS comments of the Lake Creek II Board of Directors of P.O. Box 6296, Jackson, Wyoming, and those of attorney Diane Connolly of 2260 Baseline Road, Suite 100A, Boulder, Colorado; my letter presumes those comments are in your possession and that you have read them. I endorse those comments. On the basis of those comments alone it is apparent that the DEIS as presented is sufficiently flawed as to merit publication of a revised Draft EIS, and not a Final EIS and Record of Decision. Please proceed to a revised DEIS, and not a Final EIS.

EIS level analysis; information supply:

Thank you for recognizing that the proposed action of importing more electrical power into Jackson Hole, Wyoming, is a major federal action with significant consequences for the human environment. EIS level treatment is proper; the Bonneville Power Association's (BPA) and Lower Valley Power & Light Cooperative's (LVP&L) decision to proceed on that level of public notification and involvement, informational disclosure, alternative action development, and accountable decision-making should provide all of us with the chance to have meaningful participation in this proposed action.

34-3 However, and despite their substantial and impressive efforts to date, the Lake Creek II homeowners have not been able to participate in this proposed action and its EIS process to the extent envisioned in the National Environmental Policy Act. As directly indicated in their comment letter to you, they have sought relevant and reasonable information with which to educate themselves and better participate in the process. Their efforts have received an inadequate response from BPA.

Would you please review all correspondence you have received from Lake Creek II regarding this NEPA process and proposed action, including

Comment Letters

Lou Driessen, Project Manager
BPA Public Involvement Office
Comment in reply to BPA/LVP&L
Transmission Project Draft Environ-
mental Impact Statement; DOE/EIS-0267
September 10, 1997
Page 3

34-3 cont. their scoping statement reply and all other letters, and, in a timely manner, provide them with the information they have requested? If you determine that you cannot supply them with the information they seek, would you please state specifically each item for which you cannot be responsive, and state your reason for doing so?

NEPA alternative array:

34-4 The DEIS includes an array of alternatives to the proposed action. However, the array as presented does not include two potentially successful options. First, there is no presentation of an alternative which would place the transmission lines underground from the Bridger-Teton National Forest boundary, west of the Fish Creek waterway and west of Fish Creek road, to the Teton substation. The EIS suggestions of either a four hundred foot effort or a thirty-six mile effort are, respectively, too little and too much; neither serves the public. Please include an option of placing the line, from the National Forest boundary to the Teton substation, beneath the ground.

Please also indicate how the line's passage from below ground to above ground may be kept as visually imperceptible as possible.

34-5 Second, there is no alternative which applies state of the art engineering, technology and landscaping capabilities to mitigating the past and foreseeable visual impacts of the Teton substation. For example, the current 54 foot towers at the substation may be almost two times higher than is technologically necessary. Please state if 28 foot towers, or towers of any height less than 54 feet, may be substituted for the present 54 foot devices. If lower towers are possible, please incorporate their use with an alternative which also establishes maximum landscaping screening near and around the Teton substation. Please include in this alternative the lowest profile, least noisy equipment, in addition to the towers, available for use at Teton substation.

34-6 From the economically and technically inefficient "SVC" option to the possible "full underground" option, and all between those, there will remain a need to mitigate the visual effects of the Teton substation. A maximum landscaping at Teton substation analysis should be incorporated in all alternatives. Please do so.

34-7 Please reject the "SVC alternative." The tables at pages 2-23 and 2-28 of the DEIS, and other data present elsewhere in the document, indicates this.

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PAGE 04

Lou Driessen, Project Manager
BPA Public Involvement Office
Comment in reply to BPA/LVP&L
Transmission Project Draft Environ-
mental Impact Statement; DOE/EIS-0267
September 10, 1997
Page 4

34-7 cont. alternative is the worst possible choice. It should have been "eliminated from further consideration" per Chapter 2.6.

Cumulative impacts:

34-8 Please include in a revised Draft EIS a site specific evaluation of the cumulative effects of this project as it relates to the Teton substation; please propose effective mitigation for those cumulative effects.

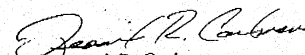
Conclusion:

34-9 BPA is on the right track with its use of the EIS process, but significant improvements are both possible and necessary. Citizen interest as expressed through Lake Creek II correspondence warrants greater and more considered attention than heretofore provided. Compliance with NEPA's hard-wrought technical requirements must be improved. The range of alternatives presented in the DEIS is inadequate; new alternatives should be developed and presented in a revised DEIS. Mitigation of past and future cumulative impacts should receive far more attention than it has in the DEIS.

34-10 Finally, BPA has an opportunity to join in the common effort of so many private citizens, Wyoming governmental units, and United States land and wildlife management agencies in recognizing and protecting the rare and diminishing virtue of scenic beauty. Rather than avoid letting any "extra" effort in Jackson Hole set some kind of precedent for its facilities elsewhere, BPA can and should recognize its role as a leader and expert in power transmission; on behalf of the Lake Creek II Homeowners Association, I ask BPA to use its expertise to develop a project of which both BPA and the general public might justifiably be proud.

Thank you.

Sincerely,


Leonard R. Carlman
Attorney at Law

Comment Letters

United States Senate

WASHINGTON, DC 20510-5003

September 9, 1997

Mike Johns
Project Manager
United States Department of Energy
Bonneville Power Administration
Post Office Box 3621
Portland, Oregon 97208-3621

Good morning Mike...

I'm writing on behalf of many constituents, who reside in the Lake Creek II Acres housing area in Jackson, Wyoming. Thank you for extending the comment period an additional thirty (30) days.

35-1 [Enclosed is a copy of the Lake Creek Acres II Homeowners' Association's comments. I would appreciate hearing from you regarding the concerns they have expressed.

Thank you for your assistance in this matter. A reply to me at 325 West Main, Suite F, Riverton, Wyoming 82501, will be appreciated.

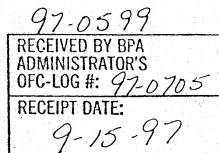
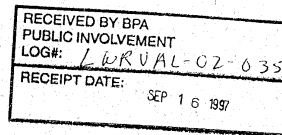
Best regards,

Craig
Craig Thomas
United States Senator

CT:pb

Enclosures

Response Due: ARC
cc: A-2, TN



Memorandum

To: Governor Jim Geringer
U.S. Representative Barbara Cubin
U.S. Senator Mike Enzi
U.S. Senator Craig Thomas
Senator Grant Larson
Senator Clarene Law
Representative Bud Betts
Bill Collins, Teton County Planning Director
Kurt Moore, Teton County Planning Department
Mike Gierau, Chairman, Teton County Commissioners
Bob Shervin, Teton County Commissioner
Sandy Shupstine, Teton County Commissioner
Ann Stephenson, Teton County Commissioner
Bill Paddleford, Teton County Commissioner
James R. Little, MD, President B.O.D. LVPL, Inc
Thelma Crook, Vice-President B.O.D. LVPL, Inc
Dean S. Lewis, Secretary-Treasurer B.O.D. LVPL, Inc
Peter L. Cook, B.O.D. LVPL, Inc
Fred Brog, B.O.D. LVPL, Inc
Rod R. Jensen, B.O.D. LVPL, Inc
Warren Potash, B.O.D. LVPL, Inc
Steve Duerr, Attorney at Law
Bill Resor, Snake River Associates

Cc: Diane M. Connolly, Attorney at Law
Leonard R. Carlman, Attorney at Law
Phelps H. Swift, Jr., Attorney at Law
Kenneth Cohen, Attorney at Law
Henry C. Phibbs, Attorney at Law

From: Lake Creek II Homeowner's Association

Date: 09/04/97

Re: Comments to DOE/EIS-0267 BPA/Lower Valley Transmission Project

Thank you for your past interest and involvement in this project, especially in obtaining the extension of the comment period. BPA will accept comments until September 11, 1997.

As promised, we have enclosed both an executive summary and a copy of the Lake Creek II Comment. We ask that along with comment generated by your own review of the EIS that you would also endorse and support our comments in writing to BPA. Please feel free to contact us if we can assist you in any way.

Comment Letters

September 4, 1997

Executive Summary of Lake Creek II Comment - BPA/Lower Valley Transmission Project

After thorough review of the EIS and consultation with our legal counsel and technical experts, and despite our sincere and laborious efforts to be fully included in the process, we believe that our rights under the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), and certain other laws are being violated. Below are our continuing concerns:

I. The EIS Fails to Comply with NEPA

A. The EIS Fails to Respond to Scoping Comments

Despite NEPA requirements that federal agencies either respond directly to scoping comments or cite reasons for eliminating comments from consideration, BPA blatantly ignored the following: Consideration of relocation of Teton Substation; Disclosure of impacts specific to properties surrounding Teton Substation (Property Values, Visual, EMF and Noise); Provision of mitigation for cumulative impacts specific to properties surrounding Teton Substation; Consideration for the Verdone Landscape Architects' plan.

B. The EIS Fails to Consider a Reasonable Range of Alternatives

The alternative most detrimental to areas surrounding the Teton Substation is under serious consideration, yet no such consideration is given to the alternatives identified by Lake Creek II residents as least detrimental: relocation and underground termination. We ask for the inclusion of these alternatives and that underground termination be included in the body of all line alternatives under consideration.

C. The EIS Fails to Disclose Cumulative Impacts

The EIS does not contain site-specific evaluation of the impacts of alternatives within this project. The EIS neglects to disclose how the noise and EMF levels will change the tranquil and pleasant environments at our individual homes (near Teton Substation). Technical studies cited in the appendices relate only to lines, not substations.

D. The EIS Fails to Supply Mitigation for Cumulative Negative Impacts

The EIS does not include any mitigation for visual impacts or perceived risks, two factors which will degrade our property values; nor does it mention the landscaping plan submitted by Lake Creek II as part of our scoping comments.

II. What Lake Creek II Wants

The residents of Lake Creek II would like full compliance with the above-referenced NEPA and CEQ regulations. We desire full implementation of the Teton Substation Mitigation Action Plan to include the full Verdone Landscape Architect's Plan as well as all provisions cited in EIS 4.2.2.2 (Recommended Mitigation for Visual Assessment Area 7). We also would like a complete and detailed analysis of all underground termination options, thereby eliminating the need for the 54-ft. towers at the Teton Substation. We would like the \$250,000 budget relating to the underground termination option to be unconditionally committed for use at the Teton Substation.

III. Conclusion

We believe the shortcomings of the Draft Environmental Impact Statement both violate existing regulations and significantly hamper our capacity for "meaningful participation" in the NEPA process.

Lake Creek Acres II Board of Directors
P.O. Box 6296
Jackson, WY 83002

September 4, 1997

Lou Driessen, Project Manager
BPA Public Involvement Office
ACS P.O. Box 12999
Portland, OR 97208

Re: Comments of the Lake Creek Acres II Homeowner's Association on the Environmental Impact Statement for the BPA/Lower Valley Transmission Project.

Dear Mr. Driessen:

After thorough review of the EIS and consultation with our legal counsel and technical experts, and despite our sincere and laborious efforts to be fully included in the process, we believe that our rights under NEPA, the CEQ, and certain other laws are being violated. Below are our continuing concerns:

I. Legal Background

The National Environmental Policy Act (NEPA) requires each federal agency to prepare and circulate for public review and comment a detailed environmental impact statement (EIS) prior to any major federal action that may have a significant effect on the environment. 42 U.S.C. 4332 (2)(C); 40 C.F.R. 1502.5, 1508.3 Robertson v. Methow Valley Citizens' Council, 490 U.S. 332, 336, 109 S. Ct. 1835, 1839 (1989); Foundation for North American Wild Sheep v. United States Dept. of Agriculture, 681 F.2d 1172, 1177-78 (9th Cir. 1982).

In addition, Council on Environmental Quality (CEQ) regulations recognize the criticality of information quality to intelligent decision making. Information in NEPA documents "must be of high quality. Accurate scientific analysis . . . [is] essential to implementing NEPA." 40 C.F.R. 1500.1(b) EISs must analyze the effects of actions "which when viewed with other proposed actions have cumulatively significant impacts." 40 C.F.R. 1508.25(a)(2)

II. The EIS Fails to Comply with NEPA

The EIS fails to meet NEPA's requirements, failing to include some of the most basic information required in an EIS. Primarily, the EIS fails to respond to scoping comments, fails

Comment Letters

• Page 2

September 4, 1997

to consider a range of reasonable alternatives, fails to disclose in adequate detail the cumulative impacts of the project, and fails to provide for mitigation of cumulative negative impacts.

A. The EIS Fails to Respond to Scoping Comments

NEPA and regulations implementing it require agencies to consider comments both individually and collectively. When the agency determines a comment does not warrant further response, the agency must at least "explain why the comments do not warrant further agency response, citing sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response. 40 C.F.R. 1503.4

In our scoping comment dated 5/22/96, we asked that the EIS consider relocation of the Teton Substation. No where in the Draft EIS is this considered, nor are reasons cited for its elimination. During scoping, we also asked that the EIS provide for mitigation of cumulative negative impacts from the Teton Substation to the neighboring properties. These impacts include Property Values, Visual, EMF and Noise. The EIS neglects to disclose both the impacts and plans for mitigation. Scoping comments published in the 7/10/96 *FYI* pointedly identify our request that BPA evaluate the cost of achieving a balance in the distribution of costs and benefits of this project, yet the EIS gives no evidence of such evaluation or that such balance was sought. The EIS also neglects to mention the landscaping plan submitted by Lake Creek II as part of our scoping comments.

B. The EIS Fails to Consider a Range of Reasonable Alternatives

NEPA requires agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. 4332 (2)(E) Federal Courts and CEQ regulations implementing NEPA identify the discussion of alternatives as "the heart" of the NEPA process. This discussion must be one of sufficient detail, giving no more evidence for the agency proposed plan than for the alternatives. In fact, Federal Court decisions reflect the conclusion that, "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate." *Resources Limited v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993) (quoting *Idaho Conservation League v. Mumma*, 956 F. 2d 1508, 1519 (9th Cir. 1992). The EIS prepared by BPA, however, gives little to no consideration to two viable alternatives: relocation of the Teton Substation and underground technology.

The alternative most detrimental to Lake Creek II is being examined, yet no evidence indicates serious consideration of the alternative deemed least destructive by Lake Creek II. Such imbalance violates the requirement set by 40 CFR 1502.14 that the EIS, "rigorously explore and objectively evaluate all reasonable alternatives", devoting "substantial treatment to each alternative." In order that a reasonable range of alternatives be included in the EIS, we believe that relocation of the Teton Substation must also be considered as an alternative. NEPA makes clear that agencies must examine reasonable alternatives, even where the agency is without authority to implement them. 40 C.F.R. 1502.14(c). Federal courts conclude, "the evaluation of 'alternatives' mandated by NEPA is to be an evaluation of the

• Page 3

September 4, 1997

alternative means to accomplish the general goal of an action; it is not an evaluation of the alternative means by which a particular applicant can reach his goals." *Van Abbema v. Fomell*, 807 F2d 633, 638 (7th Cir. 1986). Agencies cannot use as justification the fact that they do not own land necessary for the alternative. Federal courts have held that such lack of ownership alternative sites "is only marginally relevant (if it is relevant at all) to whether feasible alternatives exist." Thus BPA must provide evidence as to the unreasonable nature of site relocation before summarily dismissing the alternative and must fully consider site relocation, regardless of its authority over land upon which the site would be built.

In our comments during Scoping and Draft preparation, we asked BPA to consider underground technology to reduce the height of equipment at Teton Substation. The EIS includes Option to the Proposed Agency Action, which suggests undergrounding the last 400 feet into Teton Substation. This Option, as it is written, may create as many problems as it solves, due to the need to increase the height of equipment at the Substation and additional large equipment outside of the Substation yard. The EIS fails to consider the full range of underground options, including that suggested by Lake Creek II of burying the last mile of line into the Teton Substation. Instead, the EIS focuses discussion on the environmental impact and high cost of burying thirty-six miles of the line. We request disclosure by BPA of the precise equipment, exact location and accurate cost estimates for the four termination options at Teton Substation. We do so in under the protection of 40 C.F.R. 1502.14, which requires the agency present the environmental impacts of the proposed action and alternatives in comparative form, sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. Models, renderings and specifications would be most useful in our analysis. Termination options include:

- A) Overhead termination of line; B) Undergrounding of last 400 feet into Teton Substation; C) Undergrounding line from Fish Creek into Teton Substation; D) Underground termination of all existing and proposed lines into Teton Substation.

We ask the Underground Termination Option, and its associated expenses, be included in the body of all line alternatives being considered. We also ask that the cost of the underground option be unconditionally committed for use at the Teton Substation. If it is determined by Lake Creek II that undergrounding is not the best way to mitigate visual impacts, these funds would supplement the Teton Substation Mitigation Action Plan.

C. The EIS Fails to Disclose Cumulative Impacts

The EIS does not disclose how the various alternatives will affect our specific environment despite CEQ requirements that EISs identify "environmental effects and values in adequate detail" and "succinctly describe the environment of the areas to be affected or created by the alternatives under consideration" 40 C.F.R. 1502.2, 1502.15. The EIS fails to divulge how EMF and noise levels will increase at our individual properties, to discuss visual impacts specific to our individual properties, and to identify the effect on property values in Lake Creek II. Such negligence violates 40 C.F.R. 1508.25 and 1508.27, which mandate that scope include, "cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact

Comment Letters

• Page 4

September 4, 1997

statement." The term "significant" is here defined in terms of both context and intensity, demanding a site-specific analysis unlike the analysis contained in this EIS.

The EIS neglects to disclose exactly how the noise and EMF levels will change the tranquil and pleasant environment at our individual homes. What are the noise levels from Teton Substation at the substation fence and our homes now? How will they change with the different alternatives, in particular the SVC? Studies included in Appendix C as evidence of the low risk of EMF exposure deal only with power lines, not exposure near substations like the one located in Lake Creek II. BPA states that magnetic field levels near the Teton Substation will decrease with the agency proposed action *relative* to "all other alternatives." Those only include the alternatives actively under consideration by BPA as opposed to all alternatives. BPA fails to provide adequate information as to the current levels of EMF and how they are expected to change.

While both the National Research Council and the EPA's Science Advisory Board concluded that a causal link between EMF and cancer was not established, both committees cautioned that "the lack of evidence surrounding EMF does not necessarily mean that the issue/question can be ignored" (EIS C-4). BPA acknowledges the lack of information: "Because no hazardous effects of electric or magnetic fields have been confirmed, it is not possible to identify 'unsafe' field levels" (EIS C-6).

If BPA recognizes the potential (even if small and unlikely) health risks associated with EMF levels from exposure to power lines, why would they think that citizens would not make the same mental association? Isn't it possible that both current residents and potential residents of the affected communities worry about EMF exposure and that the addition of new equipment to the Teton substation along with new lines running overhead would increase their perceived risks, significantly affecting the property values in the region? While logically inescapable, this factor is not addressed by the EIS. The Property Values analysis uses studies of urban areas, not the scenic residential of the proposed project; all relating to lines, not substations. These studies are not relevant to this project and do not accurately show the decrease in property values as a result of BPA's operation of Teton Substation, which is an identified category of impact.

D. The EIS Fails to Supply Mitigation for Cumulative Negative Impacts

"Implicit in NEPA's demand that an agency prepare a detailed statement on 'any adverse environmental effects which cannot be avoided should the proposal be implemented' 42 U.S.C. 4332(C)(ii), is an understanding that NEPA documents will discuss the extent to which adverse effects can be avoided." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 351-52 (1989). CEQ regulations implementing NEPA require the agency to discuss possible mitigation measures: in defining the scope of the EIS, 40 C.F.R. 1508.25 (b); in discussing alternatives to the proposed action, 40 C.F.R. 1502.14(f); in discussing consequences of that action, 40 C.F.R. 1502.16(h); and in explaining its ultimate decision, 40 C.F.R. 1505.2(c).

The EIS does not include any mitigation of visual impacts or perceived risk, two factors which will degrade property values. In Table 2-4 of the EIS, BPA plainly states that

• Page 5

September 4, 1997

the visual impacts range from low to high with the agency proposed action, more specifically that "high impacts would occur at Teton Pass and near Teton Substation." In the same chart, BPA claims, "Property values are not expected to be adversely impacted over the long-term." How can BPA make these statements simultaneously? Perhaps they conclude that property values generally will not be significantly impacted, but it is unreasonable to think the high visual impact near Teton Substation will not affect property values in that area. In accordance with regulations requiring site-specific analysis and mitigation for negative cumulative impacts, we demand both information regarding the impacts in the area near Teton Substation and a mitigation plan to avoid, lessen, or compensate for these impacts.

BPA fails also to consider perceived risk in its assessment of visual impacts. While BPA promises not to ignore the issue of EMF/health hazards and refers to their course of action as "*reasonable and prudent*," BPA commits only to taking "*low cost*" steps to minimize exposure (EIS C-6).

No where does the EIS mention the landscaping plan submitted by Lake Creek II as part of our scoping comments. Consistent with our rights under NEPA and the CEQ and our Scoping Comments, we request that the EIS adopt visual mitigation per the Verdone Landscape Architects plan (dated 11/13/96, revised 7/29/97). This plan would screen the significant cumulative visual impacts at Teton Substation and satisfy the requirement set forth in 40 C.F.R. 1500.2 that the agency use "all practicable means . . . to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects."

In response to this plan, BPA made only a token offer, which has not been accepted by Lake Creek II. Throughout the EIS, this offer is being misinterpreted as "landscaping achieved." The EIS states that "BPA and surrounding neighbors are putting in landscaping that helps screen new substation equipment added in 1993-94" as a mitigation measure. EIS at 4-4, 4-13. This statement is completely inaccurate. BPA has done nothing to mitigate the negative visual impacts which resulted from these additions, nor does the EIS mention expansions which took place in 1995 without regard to NEPA compliance regulations. Even if this mitigation had occurred, such mitigation would not mitigate the effects of the proposed new action. Clearly, BPA cannot be allowed to rely on non-evidenced mitigation of past actions to meet NEPA requirements to provide a detailed plan for mitigation for the actions proposed in the EIS. The Verdone Landscape plan is reasonable and the token offer by BPA is simply inadequate to mitigate the significant cumulative impacts of Teton Substation.

At page 3-8 of the EIS appears an attempted justification to eliminate need for further evaluation of mitigating impacts of the proposed action on the Lake Creek II residents. The EIS tries to deflate the impact of the Teton substation expansion by mounting the following defense: "In years of high snowfall, some resident views would be blocked by snow piles from the clearing of snow from the streets." At 3-15, however, the EIS reports that precipitation at Jackson annually is about 15 inches, not all of which is snow. One could not logically conclude that snow piles could effectively conceal the visual contamination that would result from several fifty-four foot transmission towers.

When discussing the alternative of the Static Var Compensator (SVC), the EIS mentions design options available to minimize the noise and EMF of the SVC. The

Comment Letters

• Page 6

September 4, 1997

technologies should be used, even at extra expense, to protect the human inhabitants, property values and natural environment as mandated in 40 C.F.R. 1500.2. Pursuant to 40 C.F.R. 1502.14(f), adequate mitigation should be an inherent part of this alternative and all other alternatives.

The SVC is the most expensive (long term), the least reliable, noisiest and most EMF intensive of the alternatives. It is a short-term solution and is highly destructive to our human environment. Since the new line will be needed in seven years, it is also duplicative. Collectively, these reasons make the SVC the worst alternative for the community, for Lake Creek II residents, and for the natural environment surrounding us. If the SVC alternative is chosen, we ask that it be cited at another location, not the Teton Substation. If the SVC and Teton Substation are selected as the preferred alternative, property values compensation will be sought.

III. Conclusion

We believe failures to respond to scoping comments, to consider a reasonable range of alternatives, to identify cumulative impacts, and to provide for mitigation of negative cumulative impacts constitute violations of NEPA regulations and impede public participation in the NEPA process. DOE/EIS-0267's lack of information critical to such meaningful participation threatens the intended operation of the NEPA process in the BPA/Lower Valley Transmission Project.

We feel the effectiveness of the comment period was hampered by lack of available information and failure to respond to our scoping comments. We asked for consideration of the big picture, meaning past, present and future impacts, but information was inadequate regarding all three. Having made this request in the Scoping phase, we fully expected the analysis to reflect the cumulative impacts of past, present and future actions of BPA's operations in the study area. When this request was ignored, we submitted a request for documents under the Freedom of Information Act. We feel the comment period should be extended pending receipt and review of these documents.

Thank you for this opportunity to comment.

Sincerely,

Lake Creek Acres II Homeowner's Association
Board of Directors


Michael Sellitt

P.O. Box 6296
Jackson, WY 83002
(307) 733-1593


Larry K. Berlin AIA


Lisa St. Martin Cook

DIANE M. CONNOLLY

Attorney at Law

2260 Baseline Road, Suite 100A • Boulder, Colorado 80302 • (303) 541-0033 • fax (303) 541-0098

September 3, 1997

Public Involvement Office
Bonneville Power Administration
P.O. Box 12999
Portland, Oregon 97212

Re: Comments on the BPA/Lower Valley Transmission Project Draft Environmental Impact Statement ("DEIS")

Dear Sir or Madam:

I am writing these comments on behalf of my client, the Lake Creek Acres II Homeowners' Association, which is comprised of nearly fifty individuals who reside on eighteen residential lots adjacent to the Teton Substation. The Substation will be expanded if the proposed alternative in the DEIS is implemented. We appreciate this opportunity to comment and explain how the DEIS does not meet the statutory requirements established in National Environmental Protection Act ("NEPA"), 42 U.S.C. §§ 4321-4370d, the mandates established in the implementing regulations promulgated by the Council on Environmental Quality, 40 C.F.R. §§ 1500-1517, and applicable case law.

Specifically, the DEIS is deficient because it omits discussion of certain significant impacts of the project, fails to provide sufficient information about and analysis of cumulative impacts, and does not address mitigation of the visual impacts on the residents of Lake Creek Acres II ("Lake Creek II").

I. INTRODUCTION: LEGAL BACKGROUND

NEPA begins with a broad declaration of Congressional intent to protect and promote environmental quality. 42 U.S.C. § 4331. The Act requires all agencies that propose a major federal action that will significantly affect the quality of the human environment to prepare a detailed statement of--

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the

Comment Letters

maintenance and enhancement of long-term productivity, and
(v) any irreversible and irretrievable commitments of resources.

42 U.S.C. § 4332.

Courts have interpreted NEPA to require agencies to take a hard look at the environmental impacts of proposed projects, Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989), Kleppe v. Sierra Club, 427 U.S. 390, 410 n.21 (1976), including direct, indirect and cumulative impacts. See 40 C.F.R. § 1508.9(b). "Indirect effects" include effects "caused by the action that are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8(b).

The United States Supreme Court has clarified that the purpose behind NEPA is to ensure that federal agency decision-making is based on "detailed information concerning significant environmental impacts; [NEPA] also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision." Robertson at 349. "NEPA ensures that important effects will not be overlooked or underestimated. . . . Id. "Publication of an EIS, both in draft and final form, also serves a larger informational role. It gives the public the assurance that the agency 'has indeed considered environmental concerns in its decisionmaking process.'" Id. (citations omitted).

The Tenth Circuit recently stated: "NEPA ensures that a federal agency makes informed, carefully calculated decisions when acting in such a way as to affect the environment." Catron County Board of Commissioners v. U.S. Fish and Wildlife Service, 75 F.3d 1429, 1437 (10th Cir. 1996). The court went on to say that "NEPA documentation notifies the public and relevant government officials of the proposed action and its environmental consequences and informs the public that the acting agency has considered those consequences." Id.

NEPA, thus, is a statute that mandates collection, analysis and dissemination of information. Federal agencies that shirk their duty to examine information about, evaluate impacts of and review alternatives to proposed actions face litigation that halts implementation of proposed actions until full NEPA compliance occurs. See, e.g., Catron County supra.

II. THE DEIS DOES NOT DISCLOSE OR EVALUATE ALL DIRECT IMPACTS OF THE PROPOSED PROJECT

NEPA requires Environmental Impact Statements to include a "detailed statement" of "the environmental impact of the proposed action." 42 U.S.C. § 4332(C). The implementing regulations further clarify that "[t]he environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives

under consideration." 40 C.F.R. § 1502. The examination of effects or impacts¹ must include an evaluation of both direct effects and indirect effects that are caused by the action and are reasonably foreseeable. 40 C.F.R. § 1508.8. If an agency determines that potential effects are insignificant, it must provide a "convincing" statement of reasons to support that conclusion. See the Yaak Committee v. Block, 840 F.2d 714, 717 (9th Cir. 1988), quoting Steamboaters v. FERC, 759 F.2d 1382, 1393 (9th Cir. 1985).

The DEIS does not contain a correct or sufficient discussion of the impact the action will have on property values and salability in the Lake Creek II community. This issue is discussed in the section that covers Socioeconomic impacts. In that section, the DEIS summarily states that "[t]he new line is not expected to cause overall long-term adverse effects on property values along the existing ROW." DEIS at 4-70. To support that assertion, the section refers to Appendix G, which contains a brief discussion of a few studies on the impact of electrical transmission lines on property values.

Significantly, the cited studies addressed property values of homes adjacent to transmission lines, not transmission stations. It is common sense that the impact of living near an entire transmission station is greater than the impact of living near a transmission line. Thus, the studies cited in the DEIS provide no support for the conclusion that there will be no long-term adverse impact on property values within Lake Creek II. The DEIS's failure to consider the impact of an enlarged transmission station on neighboring property owners is a significant omission.

Furthermore, none of the studies referred to was conducted in Wyoming or in an area renowned for its scenic beauty as is Jackson Hole. Certainly, the impact of enlarging a transmission station depends in large part on the location of that station. Accordingly, even if the cited studies had examined the effect of transmission stations on property values, they would still be irrelevant because they do not examine impacts on areas that have Jackson's unique attributes.

Another significant impact that is considered, then summarily dismissed is the health hazard associated with EMF. See DEIS Appendix C. BPA reviewed some EMF exposure studies, but as with the review of property value issues, BPA only examined studies that pertained to EMF exposure by those who reside near transmission lines, not transmission stations. Of course, then, the cited studies do not support a casual dismissal of the impacts of EMF exposure on Lake Creek II residents. Moreover, the EIS acknowledges that the research on EMF exposure is "suggestive" of harm, yet it shows a unwillingness to do anything about that hazard when it states that "BPA will take reasonable low-cost steps to minimize EMF exposure while taking into account operation and maintenance considerations." Appendix C at C-6.

¹ The terms "effects" and "impacts" are synonymous for NEPA purposes. 40 C.F.R. § 1508.8.

Comment Letters

III. THE DEIS DOES NOT ADDRESS ALL CUMULATIVE IMPACTS AND INDIRECT EFFECTS

NEPA requires federal agencies to look at a broad range of impacts of proposed actions. NEPA documentation must examine cumulative impacts associated with a proposed agency action. "The EIS is, by its very nature, a cumulative impacts document. Resources Limited, Inc. v. Robertson, 35 F.3d 1300, 1305 (9th Cir. 1994). See also City of Tenakee Springs v. Clough, 915 F.2d 1308, 1312 (9th Cir. 1990); NRDC v. Callaway, 524 F.2d 79, 87-88 (2d Cir. 1975). NEPA regulations define "cumulative impacts" as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7 (emphasis added).

The CEQ regulations and federal case law also require agencies to disclose the direct and indirect environmental effects that a federal action will have on non-federal lands. 40 C.F.R. § 1508.8; See City of Davis v. Coleman, 521 F.2d 631, 677-81 (9th Cir. 1975)(agency must analyze development impacts in EIS when federal approval of a highway project is likely to have impacts on development of surrounding area,); Coalition for Canyon Preservation v. Bowers, 632 F.2d 774, 783 (9th Cir. 1980); Sierra Club v. Marsh, 769 F.2d 868, 877-89 (1st Cir. 1985)(agency failure to consider private development impacts that were likely to result from its approval of causeway and port facility rendered NEPA documentation inadequate.)

Similarly, related proposals must be considered for decision together in a single EIS. Thomas v. Peterson, 753 F.2d 754, 758 (9th Cir. 1985); 40 C.F.R. § 1508.25(a). This NEPA requirement prevents the division of a project into multiple "actions," each of which individually might have a lesser environmental impact but which collectively have a substantial impact. Thomas, 753 F.2d at 758.

Actions are "connected" and, therefore must be evaluated in a single EIS if one action:

- (i) Automatically triggers other actions which may require environmental impact statements;
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously;

- (iii) Is an interdependent parts of a larger action and depends on the larger action for its justification.

40 C.F.R. § 1508.25.²

Whether viewed as a failure to examine all cumulative impacts, indirect effects or connected actions, the DEIS fails to meet NEPA's mandate to take a broad view of the impacts of a proposed action. The DEIS neither looks forward nor back in time to review the effects of the proposed action in the context of past and future associated actions. There is a terse statement that "[t]here would be cumulative impacts to neighbors of Teton Substation from adding equipment to the substation. . . . As utility infrastructure continues to be needed, this conflict can continue." DEIS at 4-5. This brief statement does not rise to the required level of analysis, and the fact that past expansion was performed without any NEPA analysis underscores the need for an examination of the impact of the proposed expansion coupled with the past expansion. BPA cannot satisfy its duty to provide cumulative impact analysis by simply stating that there will be cumulative impacts from the proposed expansion. Rather, those cumulative impacts must be listed and evaluated.

While the DEIS at least mentions that there are cumulative impacts associated with past expansion, the DEIS is entirely devoid of any reference to the cumulative impacts associated with reasonably foreseeable additional expansion of the Teton Substation in the future. The DEIS also omits any mention or discussion of the cumulative impacts of the residential and commercial development that is a reasonably foreseeable result of the increased provision of electricity that would be made possible by the proposed agency action. That development is the motivating factor behind the project, and its impacts must be addressed in the EIS in order for that document to fulfill the mandates of NEPA.

IV. THE DISCUSSION OF MITIGATION IN THE DEIS IS INADEQUATE

NEPA regulations require that an EIS:

- (1) "include appropriate mitigation measures not already included in the proposed action or alternatives," 40 C.F.R. § 1502.14(f); and
- (2) "include discussions of: Means to mitigate adverse environmental impacts (if not fully covered under § 1502.14(f))" 40 C.F.R. § 1502.16(h).

The Council on Environmental Quality has also stated that: "All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are

² Only one of the three definitions need be present to find a connected action. E.g., Town of Huntington v. Marsh, 859 F.2d 1134, 1142 (2d Cir. 1988) (connected action based solely on subsection (iii)), cert. denied, 494 U.S. 1004 (1990); Alpine Lakes, 838 F. Supp. at 482 (same).

Comment Letters

outside the jurisdiction of the lead agency or the cooperation agencies." Forty Most Asked Questions Concerning CEO's National Environmental Policy Act Regulations, 46 Fed. Reg. 18026, 18031 (March 23, 1981).

In addition, the agency proposing a major federal action is required to "[s]tate whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation." 40 C.F.R. § 1505.2(c)(emphasis added).

NEPA requires that mitigation measures be reviewed during the NEPA process -- not in some future decision shielded from public scrutiny. "[O]mission of a reasonably complete discussion of possible mitigation measures would undermine the 'action-forcing' function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects." Robertson at 353.

Appellate Courts have invalidated NEPA documents that rely on unspecified future actions to mitigate or avoid environmental impacts. Oregon Nat. Resources Council v. Marsh, 52 F.3d 1485 (9th Cir. 1995) (Elk Creek Dam III); Oregon Nat. Resources Council v. Marsh, 832 F.2d 1489, 1493 (9th Cir. 1987) (Elk Creek Dam I), rev'd on other grounds, 490 U.S. 360 (1989), California v. Block, 690 F.2d 753 (9th Cir. 1982).

The United States Supreme Court has reaffirmed the statutory and regulatory requirements that mitigation measures be included in an EIS:

To be sure, one important ingredient of an EIS is the discussion of steps that can be taken to mitigate adverse environmental consequences. . . . Implicit in NEPA's demand that an agency prepare an detailed statement on "any adverse environmental effects which cannot be avoided should the proposal be implemented," is an understanding that the EIS will discuss the extent to which adverse effects can be avoided. . . . Without such a discussion [of mitigation measures] neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects.

Robertson at 352 (citations omitted). As Robertson makes clear, mitigation must be "discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated." Id.

The DEIS states that "BPA and surrounding neighbors are putting in landscaping that helps screen new substation equipment added in 1993-94" as a mitigation measure. DEIS at 4-4, 4-13. First, and most importantly, this statement is not correct. No landscaping plan has been agreed upon or implemented. BPA has done nothing to mitigate the negative environmental impacts of the 1993-94 expansion, which, incidentally, was done without compliance with NEPA. Second, even if some mitigation of past expansion had been done,

that mitigation of past effects does not mitigate the effects of the new proposed action that is the subject of the DEIS. It should be obvious that BPA cannot rely on non-existent mitigation of past agency actions to meet its duty to provide a detailed plan for mitigation of its new proposed action. Third, even if the mitigation referred to were implemented and did somehow relate to the proposed new expansion, the discussion of mitigation still fails to meet the statutory requirement that it be "reasonably complete." See Robertson at 352. Simple reference to landscaping without more detail about that landscaping cannot be considered "reasonably complete," and, thus, does not comply with NEPA.

The DEIS also states that mitigation of the effects of the proposed action will occur via coordination of "design and placement of new structures and equipment" with Teton Substation neighbors. DEIS at 4-4, 4-13. Design and placement of structures and equipment cannot do much to mitigate visual impacts because of the significant height required for the structures that are required for the project. This discussion of mitigation without even considering mitigation such as the detailed landscaping plan prepared by Lake Creek II fails to meet the requirements of NEPA.

In another section, the DEIS appears to use the "snow pile defense" to any need for a serious examination of mitigating the impacts of the proposed project on the Lake Creek II residents. The DEIS attempts to diminish the impact of the Teton Substation expansion by stating that "in years of high snowfall, some resident views would be blocked by snow piles from the clearing of snow from the streets." DEIS at 3-8. At the same time, the DEIS states that Jackson receives fifteen inches of precipitation annually (and not all of that is from snow). DEIS at 3-15. It is absurd to think that snow piles could effectively hide the visual contamination caused by several fifty-four foot transmission towers.

Finally, because the DEIS denies the socioeconomic impact of decreased property values and salability on Lake Creek II or the increased health risks associated with EMF exposure, it is also inadequate because it fails to address mitigation of those adverse impacts.

V. THE DEIS DOES NOT ADEQUATELY CONSIDER ALTERNATIVES TO THE AGENCY PROPOSED ACTION

The consideration of a range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. It is "absolutely essential to the NEPA process that the decisionmaker be provided with a detailed and careful analysis of the relative environmental merits and demerits of the proposed action and possible alternatives, a requirement that we have characterized as 'the linchpin of the entire impact statement.'" NRDC v. Callaway, 524 F.2d 79, 92 (2d Cir. 1975). "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate." Resources Limited v. Robertson, 35 F.3d 1300, 1307 (9th Cir. 1993) (quoting Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992).

Comment Letters

Both NEPA and the Administrative Procedure Act, 5 U.S.C. §§ 551-559, require that an agency's determinations be supported by factual information in the decision documents. "The agency must explicate fully its course of inquiry, its analysis and its reasoning." Dubois v. U.S. Department of Agriculture, 102 F.3d 1273, 1287 (1st Cir. 1996). An agency decision must always have a rational basis that is both stated in the written decision and demonstrated in the administrative record accompanying the decision. Kanawha v. Hocking Coal & Coke Co., 112 IBLA 365, 368 (1990).

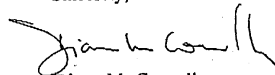
BPA provided the most thorough analysis to its preferred alternative, but the other alternatives received only cursory summaries. For example, conservation as an alternative was summarily dismissed because previous conservation efforts did not reduce energy demand as much as BPA believes is needed. DEIS at 2-15. The DEIS contains no discussion, however, of how past conservation efforts could be improved upon so that conservation provides a more effective method of reducing the demand for electricity and thus perhaps obviating the need for increased electrical supply.

Another alternative that would significantly reduce impacts to adjacent landowners but that is not included at all in the DEIS is a partially buried line. This alternative would bury the portion of the new line as well as the existing line from Forest Service land to the Teton Substation. The trees at the perimeter of the Forest Service land would hide the ninety foot tower required at the point immediately before the line went underground, and would minimize the impacts on the Snake River Ranch and Lake Creek II residents.

V. CONCLUSION

Thank you for this opportunity to comment on the Draft Environmental Impact Statement. The residents of Lake Creek II look forward to working with you to improve the document and satisfy their concerns about the significant impact that the proposed expansion will have on their neighborhood.

Sincerely,



Diane M. Connolly
Attorney for Lake Creek Acres II
Homeowners' Association

Snake River Associates
4445 Moose Wilson Road
Wilson, Wyoming 83014
(307) 733-3989
Fax (307) 733-5019

September 10, 1997

Mike Johns, Project Manager
Bonneville Power Administration
Public Affairs Office - AC
P.O. Box 12999
Portland, OR 97212

Re: BPA/LVPL Transmission Project, additional comments.

Dear Mr. Johns,

After I sent you my letter of July 14, I met with many of our neighbors who live near the Teton Substation or just south of your transmission line. They raised a number of issues and made me aware of certain options that I did not address in my last letter. Therefore, I would like to make these additional comments that should be incorporated in the final EIS on the transmission line project.

- 37-1 [Since it was originally constructed, the Teton Substation has been expanded and altered a number of times. The cumulative impact of not only the original construction but also the changes and additions should be mitigated as part of this transmission line project. I believe if the substation is
- 37-2 [thoroughly and thoughtfully landscaped, the trees will eventually result in screening most of it from view from most directions. An analysis of a landscaping plan should be included in the final EIS. The landscaping provided for the Crystal Springs Substation by LVP&L might be used as a comparison.
- 37-3 [Assuming the transmission line remains as an overhead line, BPA will have to make certain changes in the superstructure of the Teton Substation. The re-design of the superstructure should minimize its height and in general minimize the visual impact as seen from surrounding properties. Careful design of this superstructure in addition to the landscaping mentioned in the previous paragraph should go a long way toward mitigating the negative impacts of the Teton Substation. The cost and the timing of these two improvements should be discussed in the EIS. I believe the cost will be minor when compared to the overall project.
- 37-4 [In my first letter, I briefly mentioned the possibility of undergrounding both the existing and the new transmission line from the Forest Service land on

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Comment Letters

Mr. Mike Johns
September 10, 1997
Page 2

37-4
cont.

Phillips Ridge all the way to the Teton Substation. In that letter I kept that as a minor comment since I realize this option would be very expensive. However, after speaking with many of my neighbors, I believe that the benefit from undergrounding both the existing line and the new line may well outweigh the cost of doing so. Jackson Hole is an internationally recognized valley that is known for its scenic beauty. This line is visible both from private property and from the Fish Creek Road and other public lands. I believe the EIS should contain engineering and cost analysis for undergrounding both the new line and the existing transmission line from Phillips Ridge to the Teton Substation. Until the public knows the cost of this alternative, it is impossible to make an informed decision as to whether or not it is worthwhile.

Thank you for considering my comments.

Sincerely,



William B. Resor, general and managing partner
Snake River Associates

Responses to Comments

DPM-1

A 115-kV single wood or steel pole structure is one pole with steel arms near the top designed to support all the conductors (wires or lines). A “regular” 115-kV wood pole structure is shaped like an H with two poles and a length of steel across the top that supports all the conductors. These structures are shown in Figure 2-1 of the Final Environmental Impact Statement (FEIS).

DPM-2

No new roads would be constructed in the Wilderness Study Area. BPA is proposing to use the footings of the existing structures and replace the body and tops of the existing structures with new double-circuit structures. This would be done using helicopter construction.

DPM-3

BPA would relocate any roads that become blocked.

DPM-4

BPA proposes to place new structures adjacent to existing structures. Based on comments received through scoping, conversations with landowners, environmental considerations, and cost, BPA's current plan is to place the new line east of the existing line through Swan Valley.

DPM-5

Please see response DPM-4.

DPM-6

If the field access road is blocked next to structure 4/7, BPA would relocate the road around the structure.

DPM-7

BPA is considering using a single wood pole structure next to structure 4/4, instead of a two-pole structure, to minimize right-of-way and vegetation clearing.

DPM-8

At 4/7, BPA plans to locate the new structure on the same side of the road, immediately to the east of the existing line. If the field access road is blocked next to structure 4/7, BPA would relocate the road around the structure.

DPM-9

BPA does not consider the threat of fire significant. BPA is proposing to use wood H-frame or single pole structures in the Swan Valley area. BPA has reviewed technical and cost requirements, environmental data, and comments from landowners to develop this proposal.

DPM-10

Yes. The average expansion of right-of-way would be about 12 m (40 feet). In this area, adding to the existing right-of-way makes a total right-of-way of 43 m (140 feet).

DPM-11

To make room for the new transmission line. On average, it cannot be placed on the existing right-of-way because of the limited space.

DPM-12

In Swan Valley, the new line is proposed to be placed on the east side of the existing line. Through Pine Creek and onto Driggs, the new line is proposed to be, for the most part, on the south side of the existing line.

DPM-13

Comment noted.

DPM-14

Many people expressed concerns for visual impacts. Visual resources present in the project area, potential impacts, and mitigation are discussed in Sections 3.2 and 4.2 of the FEIS.

DPM-15

Yes, trees would need to be cut on National Forest land.

DPM-16

No, the only transmission lines proposed are those described in the FEIS.

DPM-17

Lower Valley is participating on a 50/50 basis. If BPA decides to construct one of the transmission line plans, Lower Valley would pay 50% of the costs until their load exceeds 200 MW of annual system peak. At this time, BPA would assume 100% responsibility/ownership of the facilities.

DPM-18

This has been a common sentiment expressed from people who live west of the Tetons in the valley.

DPM-19

Please see response DPM-18.

DPM-20

BPA owns an easement for access road PGT-AR-15-4 that mainly crosses National Forest land and a small portion of private land. This road would likely receive only minor improvements including blading and possibly gravel in some areas.

DPM-21

Please see response DPM-20.

DPM-22

BPA is unclear as to what access road you refer to. If the access road is on private land, BPA would not allow use of the road unless exceptions are written into the easement document. If the access road is on National Forest land, public use of the road is restricted to what is allowed in the Forest Plan.

DPM-23

Yes, BPA would get a Special Use Permit from the Forest Service to build a transmission line across National Forest land.

DPM-24

A combination of wood and steel poles and wood H-frame structures would be used.

Selection of structure types at specific sites is part of the detailed design process that continues after the environmental process is completed.

DPM-25

Yes, based on planning assumptions, BPA would still need to build the line from Swan Valley Substation to Teton Substation in 2007.

DPM-26

Please see response DPM-24. At this time, BPA does not know the specific structure type proposed at 18/5.

DPM-27

The new line would be located south of the existing line at 18/5 under the current plan. During the full engineering design process, BPA determines the exact placement of most structures. This is not done until after the Record of Decision. BPA has heard your concerns and will continue to coordinate with you on structure placement. As you know, moving the line to the north would add to the cost of the line. BPA appreciates your commitment to work with the project team.

DPM-28

Structure 18/5 could be moved, but only at a substantial additional cost. Please see response DPM-27.

DPM-29

Most roads on the right-of-way would be reseeded and used mainly as two-track roads for maintenance.

DPM-30

Helicopter construction, which is very expensive, would be used where roads cannot be built to structure locations.

DPM-31

It is BPA's understanding that it would install gates on most roads where the Forest Service wishes to limit public access.

DPM-32

Please see response DPM-6.

DPM-33

Please see response DPM-6.

DPM-34

BPA plans to design the line to minimize the amount of land needed for the new line near 4/4 Mile 4. Only the minimum number of trees would be taken in

DPM-35

Please see response DPM-34.

DPM-36

Please see response DPM-34.

DPM-37

BPA will make note of the fact that there is a property stake near 4/7 that should not be disturbed if possible.

DPM-38

Wood poles typically have a smaller footprint and may be easier to farm around. BPA proposes to use steel or wood pole or mostly wood H-frame structures in the Swan Valley area.

DPM-39

The Record of Decision will document BPA's decision. It will reflect the alternative chosen to meet the need for the project. The Forest Service will issue its own Record of Decision that will document its decision.

DPM-40

BPA has had additional on-site meetings with the Forest Service to discuss options at Pine Basin Lodge. Options D and E have been added to the FEIS. The BPA and Forest Service preferred alternative is Option D, which is a double-circuit line in this area. This option also takes into account concerns expressed by the Bonneville School District.

DPM-41

BPA and the Forest Service scheduled several field trips after the Draft Environmental Impact Statement (DEIS) public meetings. Road and bridge locations were identified and new routing alternatives through the Pine Creek area were discussed. New information is reflected throughout the FEIS.

JPM-1

Section 1.1.1 describes the need for the project. Section 1.3 gives additional background on the project. If, during the winter season, one of the BPA or Lower Valley lines that serve the Jackson area goes down for any reason, voltages on the transmission system could dip below acceptable levels. Low voltage levels can cause brownouts, or under certain conditions, a blackout. A description of the socioeconomic impacts that can occur during a blackout is described in Section 4.12.3.1.

JPM-2

Comment noted. Undergrounding transmission lines was suggested during scoping as an option that needed to be analyzed in the DEIS.

JPM-3

According to the current schedule, clearing and road building would occur in 1999. Construction of the line would occur in 2000. These activities may take place sooner pending weather and how quickly information can be gathered from field surveys and review.

JPM-4

Whether the impacts are worse than going overhead with a transmission line depends on the terrain, soils, bedrock, type of transmission line, surrounding land use, and environmental resources present and their sensitivity to disturbance and, in some cases, total removal. The environmental impacts (including visual) of burying the transmission line are briefly discussed in Section 2.6.5.

JPM-5

Comment noted. BPA assumes you are referring to the underground option at Teton Substation described in the DEIS. The underground option is now identified as a mitigation alternative. See Section 4.2.2.2. BPA does not prefer to underground the last 122 m (400 feet) of transmission line into Teton Substation because of its higher cost and limited benefit to minimize visual impacts around Teton Substation.

JPM-6

New land rights needed across private landowners' property for transmission line right-of-way or access roads would be acquired as easements. New land rights needed for the switching station (Short Line Alternative) or the SVC Alternative at Jackson would be acquired in fee. Landowners would be offered fair market value for the easements or fee acquisitions established through the appraisal process.

The appraisal process takes all factors affecting property value into consideration including any impact of the transmission lines on property values. It may also reference studies conducted on similar properties to add support to valuation considerations. The strength of any appraisal is dependent on the individual analysis of the property using neighborhood and specific market data to estimate fair market value.

JPM-7

The National Environmental Policy Act (NEPA), as amended, requires federal government agencies to prepare environmental impact statements (EISs) on all major federal actions (proposed by that agency) which may have a significant impact(s) on the human environment, that is, on the natural and physical environment and the relationship of people with that environment. Section 102 (2)(A) of NEPA requires that agencies use the interdisciplinary approach in the preparation of EISs to ensure the integrated use of the natural and social sciences and the environmental design arts. BPA uses this approach and assembles a team of experts who have training and experience in conducting environmental analysis. If BPA does not have the expertise on staff for a particular specialty, the agency uses the consulting community to address that need. For example, impacts from noise are determined by a specialist with a natural science background with a specialty in public health; visual impacts are determined by someone schooled in landscape architecture with experience in visual analysis; and impacts to property values are determined by someone with an appraisal or real estate development background. Seidom are all of these specialties held by a single individual, and if they were, the topics would still be organized under separate headings so that each could be properly identified and evaluated.

BPA does attempt to perform a holistic analysis, recognizing that the environment is a complex web of connections where impacts to one part can affect the whole. To clearly communicate environmental information, however, BPA segments resource areas so the impacts of the proposed action can be analyzed succinctly. In this EIS, impacts to visual resources and socioeconomics are addressed under their own headings, while impacts from noise are addressed under Public Health and Safety. Therefore, by design, some impacts on the human environment are addressed outside the Socioeconomics Section. To avoid confusion and bulk, they have not been repeated in that section.

JPM-8

The offer of \$60,000 for landscaping around Teton Substation has expired and is no longer available. The \$60,000 was to be used for visual mitigation for additions to the substation prior to this project. The mitigation alternative to underground the last 122 m (400 feet) of transmission line into Teton Substation is not preferred due to its high cost and limited benefit to minimize visual impacts around the substation. The preferred mitigation alternative is to landscape around Teton Substation and screen substation equipment using existing trees and planting additional evergreen and deciduous trees and shrubs. This alternative would minimize visual impacts of existing equipment and new equipment proposed for this project.

JPM-9

The Forest Service and BPA are government agencies cooperating to deliver power to the residents and businesses of Jackson. The Forest Service is making every effort to identify and mitigate any adverse effects on natural resources from the alternatives. BPA is a full partner in this effort and together the two agencies are working to propose, plan and implement this project with full public input.

The NEPA process is being followed and includes public scoping and public meetings to inform residents of both eastern Idaho and western Wyoming about the proposal and identify the consequences of proposed activities.

Lake Creek II Homeowners have been active in this process since the beginning. Letters containing comments have been sent by Lake Creek Homeowners to BPA. These letters have identified concerns the Homeowners have regarding this project. In addition, the Homeowners have attended public meetings and requested additional meetings where they have reiterated their various concerns.

The NEPA process requires that any public concern be considered before a final decision is made. Lake Creek II Homeowner concerns have been received and will be considered before a final decision is made.

The Forest Service has no authority to support mitigation on private land. Any proposed mitigation on private land must be negotiated between the private landowner and BPA. The Forest Service does have a responsibility to ensure the NEPA process is followed and adverse impacts on National Forest lands are disclosed and mitigated where possible.

JPM-10

Please see response JPM-8.

JPM-11

Please see response JPM-8.

JPM-12

Comment noted.

JPM-13

At this time, BPA is proposing double-circuit structures near Pine Basin Lodge (structures 6/2-6/8) and at Teton Pass (26/2-29/3) where visual impact and technical challenges are greatest (see Section 4.2.2.1). In addition, double-circuit structures are proposed from 35/1 on Phillips Ridge to the Teton Substation to mitigate for visual impacts (see Sections 4.2.2.1 and 4.2.2.2). Because double-circuit structures are less reliable and more expensive when compared to two separate single-circuit structures, their use is limited.

JPM-14

At this time there are no plans to paint existing equipment at Teton Substation. BPA prefers to implement a landscaping plan to mitigate for impacts around Teton Substation.

JPM-15

Undergrounding the entire transmission line is described in Section 2.6.5. Undergrounding the last 1.6 km (1 mile) of transmission line into Teton Substation is described in Section 4.2.2.2. Undergrounding the last 122m (400 feet) of transmission line into Teton Substation is also described in this section.

Undergrounding transmission lines is technically feasible. Undergrounding the entire transmission line is not a reasonable alternative because of the high cost. Undergrounding the last 1.6 km (one mile) of transmission line is not preferred as a mitigation alternative because of the high cost. Undergrounding the last portion of transmission line into Teton Substation is also not preferred because of the high cost and limited benefits of minimizing visual impacts around Teton Substation.

JPM-16

Additional right-of-way would still be needed to underground the entire line.

JPM-17

Comment noted. BPA has chosen as its preferred mitigation to develop and implement a landscape plan that would minimize visual impacts around Teton Substation. BPA has also included double-circuit structures near Pine Basin Lodge, (structure 6/2-6/8), at Teton Pass (26/2 to 29/3) and from 35/1 to Teton Substation as part of the Agency Proposed Action to help mitigate visual impacts of a new transmission line.

Throughout the environmental process, BPA has worked with the residents of Teton County to accommodate their concerns where possible. If BPA chooses a construction alternative, BPA would continue to work with county residents.

JPM-18

The currently proposed design at Teton Substation is for locating two single-circuit dead end steel poles one span out from the substation and two single-circuit dead end wood poles at the substation property line. See photos in Appendix M.

JPM-19

Please see response JPM-18.

JPM-20

Visual simulations of the existing condition at Teton Substation, and the Agency Proposed Action with the new line overhead and underground are included in Appendix M.

JPM-21

Please see response JPM-15.

JPM-22

Please see response JPM-15.

JPM-23

Through the NEPA process, BPA determines the environmental impacts of alternatives. To determine whether to mitigate for those impacts, BPA balances the benefits of mitigation actions

(in this case, undergrounding transmission lines) against the cost and feasibility of implementing the mitigation. Because BPA needs to keep its power and transmission costs competitive, it cannot implement all mitigation. For this project BPA has not identified undergrounding transmission lines as preferred mitigation because of the high cost and limited benefits to mitigate visual impacts.

Customers who benefit from the project may elect to raise their electric rates in order to add to the mitigation BPA is willing to implement. Lower Valley just received the results of a survey sent to 300 randomly selected customers to determine if they would be willing to pay \$3 per month for landscaping at Teton Substation. Sixty-seven customers said yes. Two hundred-twelve customers said no. Twenty-one customers said they did not know or had no opinion. Lower Valley also asked whether customers would support paying \$5 per month for landscaping and undergrounding power lines. One hundred-seven customers said yes. One hundred eighty-nine said no. For those customers who said no, Lower Valley asked how much they were willing to pay per month. One hundred twenty-eight customers said \$0. Sixteen customers said \$1. Eight customers said \$2. Eleven customers said \$3.

Lower Valley's Board of Directors have reviewed the results of the survey. No action will be taken at this time. The Board intends to monitor the survey results yearly to see if the ratios change.

JPM-24

Please see response JPM-23.

JPM-25

Please see response JPM-6.

JPM-26

Please see responses JPM-15 and JPM-23.

JPM-27

Please see response JPM-23.

JPM-28

At their request, a 30-day extension of the Draft EIS comment period was given to the Lake Creek II Homeowner's Association and those parties they chose to involve. Close of comments was extended to September 11, 1997.

JPM-29

Appendices were distributed at the Draft EIS meetings and afterwards to those who requested copies.

JPM-30

Comment noted. Please see response JPM-15.

JPM-31

Teton Substation uses modern equipment with a high reliability. Chapter 4 describes mitigation alternative proposed to help mitigate visual impacts around the substation. Landscaping is the preferred mitigation.

JPM-32

Please see response JPM-15.

JPM-33

No, BPA plans to improve the visual aspects of the substation with landscaping. Please see responses JPM-17 and JPM-31.

JPM-34

High voltage substations in populated areas look much the same. Lower voltage distribution substations look similar but are generally smaller.

JPM-35

BPA has included relocating Teton Substation as a mitigation alternative in Chapter 4. It is not a preferred mitigation alternative because of its extremely high cost.

JPM-36

As you state, BPA is a public agency. The public has every right to question BPAs actions. BPA conducts environmental review of its actions under the National Environmental Policy Act. The Act requires BPA and other federal agencies to conduct a public involvement process such as the one for this project. For more details on the project's public involvement process to date, please refer to Chapter 1 and Appendix B of the Final EIS.

JPM-37

Pursuant to section 9(e)(5) of the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. §839f(e)(5), a challenge to the final decision of the Administrator on the BPA/ Lower Valley Transmission Project must be filed in the United States Court of Appeals for the Ninth Circuit.

JPM-38

BPA assumes you are referring to mitigation. Please see response JPM-23.

JPM-39

No, BPA is the only power provider to Lower Valley at this time. Lower Valley is starting a pilot Liquefied Natural Gas (LNG) program.

JPM-40

BPA studied upgrading power generation and the switchyard at Palisades Dam, and the Palisades-Snake River 115-kV transmission line. These options would not solve the voltage stability problem in Jackson.

BPA and Lower Valley need to have the two high voltage 115-kV transmission lines operational for Jackson during the winter months. Upgrading the facilities back towards Palisades would do nothing to alleviate problems caused by losing one of the two lines serving Jackson.

JPM-41

Lower Valley is the local utility that provides power to Jackson. Lower Valley has and is continuing to explore various options of providing the least expensive power to its customers while minimizing impacts to the community and maintaining high reliability. For example, Lower Valley has developed a pilot program that uses liquefied natural gas. This could replace the need for additional electricity in the future.

In addition, the utility industry is being deregulated. Like the communications industry, deregulation will most likely allow customers like yourself to choose their own service provider sometime in the future.

JPM-42

Double-circuit structures are proposed near Pine Basin Lodge (structures 6/2-6/8), at Teton Pass (26/2-29/3), and from structure 35/1 on Phillips Ridge to Teton Substation. The new line would enter the substation at the northwest corner. The existing structures and wires/conductors near Teton Substation would be removed. No new right-of-way would be needed for these segments. Because the new structures would be single steel poles and could be spaced farther apart, fewer poles may be needed. The new poles would be about 6-9 m (20-30 feet) taller, but would be located to minimize visual impacts to adjacent residences.

JPM-43

Please see response JPM-42.

JPM-44

The new poles and conductors (wires) would be a dull/nonreflective color to blend more naturally with the surroundings.

JPM-45

Please see response JPM-8.

JPM-46

Yes, BPA has met with landowners in the area to get input on location of structures. The preference is to replace structures in the same location as the existing line. This also helps minimize the height of the structures.

JPM-47

Yes, double-circuit structures would not require additional right-of-way.

JPM-48

Comment noted. The project as proposed is in response to real needs by a growing community for a stable electrical supply.

JPM-49

Comment noted.

JPM-50

Please see response JPM-44.

JPM-51

BPA would try to schedule construction in high groundwater areas at a time when water levels are lowest.

JPM-52

Single pole double-circuit structures are proposed from structure 35/1 on Phillips Ridge to Teton Substation.

JPM-53

Yes, please see responses JPM-8 and JPM-17.

JPM-54

Because Teton Substation is surrounded by a residential neighborhood and pastureland, the existing site is relatively quiet. Based on a single set of spot audible noise measurements BPA

made around the substation perimeter fence on November 18, 1996, the measured noise levels ranged from 33-42 dBA. At the fence line nearest the residences, the measured levels were in the mid-30s dBA. These are levels typical of a normally quiet office environment. Please note that these levels are associated with one time spot measurements and reflect the noise only at the specific time of measurement. Noise levels can vary greatly as a result of weather conditions (wind, rain, etc.) and other factors such as highway traffic, airplanes, construction activity, etc. Thus, depending on these conditions, the noise on any particular day or at any particular time could be higher or lower than the levels measured. Please refer to Section 3.5.2.2 and Appendix E in the EIS for more information.

JPM-55

None of the transmission line alternatives would cause noise increases along the transmission line right-of-way or at the substation sites. This is because the 115-kV transmission lines do not cause audible noise and the additional substation equipment required for these alternatives would be similar to equipment already in use.

However, if the SVC alternative is selected, the specialized SVC equipment would result in an additional noise source within Teton or Jackson substations. The noise would likely be noticeable to nearby residences as a low frequency hum. The amount of increase in noise levels would depend on background levels and operating modes of the SVC equipment. The SVC would be designed so that the maximum noise level would be 55 dBA at the property line of either substation to meet Teton County and Town of Jackson standards. Please refer to Section 4.5.3.3 in the EIS.

JPM-56

The \$250,000 in the Draft EIS was the estimated cost of placing the last 122 m (400 feet) of transmission line underground into Teton Substation. The overhead option would cost an estimated \$66,000.

In the FEIS, this portion of undergrounding is identified as a mitigation alternative but is not the preferred way to mitigate because of its high cost and limited ability to minimize visual impacts around Teton Substation.

JPM-57

Please see response JPM-56.

JPM-58

This is the fundamental principle of Federal Supremacy as established in the Article VI of the U.S. Constitution. As stated by the U.S. Supreme Court in Hancock v. Train, 426 U.S. 167, 178 (1976), “activities of the Federal Government are free from regulation by any state” unless Congress has “clearly and unambiguously” provided an exception to this principle. Generally, with regard to the applicability of state or local processes to a BPA transmission project, the Ninth Circuit ruled in Columbia Basin Land Protection Association v. Schlesinger, 643 F.2d 585, 605 (9th Cir. 1981) that “to require the BPA to receive a state certification would imply that the state could deny the application, which would give them a veto power over the federal project. This clearly cannot be the meaning that Congress intended.”

JPM-59

Teton Substation with the new line underground is shown in Appendix M.

JPM-60

Please see responses to JPM-8, JPM-15, JPM-17, and JPM-23.

JPM-61

Please see responses to JPM-8 and JPM-15.

JPM-62

BPA has transmission lines throughout Oregon, Washington, Idaho, California, Nevada, Montana, and Wyoming. BPA's transmission lines cross all types of land uses, some considered to be more sensitive than others. BPA is committed to working with the many different owners and managers of these lands to balance their needs with the need for the project, taking into account the environmental (including social and political factors), technical, and financial requirements and limitations of the project.

JPM-63

Comment noted. BPA is familiar with conflicts between property owners living next to BPA facilities. Nevertheless, BPA is committed to being good neighbors given its environmental, financial and technical requirements and limitations.

1-1

Cultural resource documentation is provided in the Final EIS as Appendix I. A cultural resource survey was conducted in September 1997. Two historic sites were found during the survey: a wagon road also used as a stock trail; and an abandoned ditch once used to bring water to Pine Creek Bench (see Appendix J). The historic sites are recommended eligible for the NRRHP. BPA has made a determination of no adverse effect as portions of these sites could be affected by construction but the effect would not be harmful. BPA has coordinated this determination with the Wyoming and Idaho SHPO and the Advisory Council on Historic Preservation. Mitigation in the form of recordation is proposed. BPA would work with the USFS and the SHPO's on mitigation. Mitigation would be done before construction.

2-1

Comment noted. Text has been added to Section 4.7.2.2 that refers the reader to Section 5.16 in the FEIS for information on regulations and applicable permits.

3-1

After reviewing comments received on the DEIS and additional field work, BPA better understands the potential impacts to the surrounding property of the site described in the DEIS. Subsequently, another study was performed and a new site has been proposed west of and within about 152 m (500 feet) of the existing Targhee Tap and mostly within the right-of-way. The terrain is not as level as the site described in the DEIS, making it less desirable from an engineering perspective, but it is buildable and would be hidden from your home by existing trees next to the right-of-way. It would also be located mostly on the existing right-of-way, but BPA would need to secure additional land to construct the facility. This site is farther away from residences and is now the preferred switching station site for the Short Line Alternative.

3-2

Please see response 3-1.

3-3

Please see response 3-1.

3-4

BPA believes your concerns will be alleviated by response 3-1.

3-5

Please see response 3-1. Also, as stated in the Final EIS, Appendix L, "...A transmission line might also diminish the utility of a portion of property if the line were effectively to sever this area from the remaining property (severance damage). Whether a transmission line introduces a negative visual impact depends on the placement of the line across a property, as well as on each individual landowner's perception of what is visually acceptable or unacceptable. ... These factors, as well as many other elements unique to the property, are taken into consideration to determine any loss in value within the easement area, as well as outside the easement area in case of severance."

Appendix L in the FEIS also states, "Fair market value would be offered to landowners for the fee purchase of property needed for the Short Line Alternative's Switching Station and for property needed for the Static Var Compensation Station ..."

3-6

Please see response 3-5. Also, BPA would use local and equal property values to determine a fair market value for easements or fee acquisitions.

Also, please see response 3-1.

3-7

Please see response 3-1.

3-8

Please see response 3-1.

3-9

Please see response 3-1.

4-1

Because the Summary needs to be a short document, it does not contain all of the information found in the Draft and Final EIS. A discussion of conservation as an alternative can be found in Section 2.6.1 of the Final EIS. BPA initially considered this alternative as a solution to the problem but eliminated it from further consideration because the amount of energy savings is too small to defer the need for the project.

4-2

In the past, BPA helped sponsor conservation programs through Lower Valley that accomplished electrical savings of 3.305 average megawatts (less than one year of load growth in the Jackson area). BPA no longer has the money to provide conservation funding to Lower Valley, but Lower Valley is working with the Town of Jackson Building Department to develop building codes that include conservation measures such as increased insulation in buildings.

Lower Valley has also started a liquefied natural gas pilot program in its service area. Results are uncertain at this time, but if successful, Lower Valley may want to build a natural gas pipeline and combustion turbine plant sometime in the future.

4-3

You raise an excellent point and one which BPA has studied. Some of the existing steel lattice structure footings are strong enough to hold a new upper section of structure that can carry both circuits. Engineers and environmental specialists have determined where it would be technically, financially, and environmentally feasible to rebuild the existing structures, 26/2-27/4, 28/3, 28/4,

29/1, and 29/2 to double circuit. Other structures through Teton Pass will also be replaced with double-circuit structures (27/5-28/2, 28/5, and 29/3). Double-circuit structures are also proposed near the Pine Creek area and the area near Teton Substation.

In addition, the Agency Proposed Action identifies two other sections of line that are proposed to be double circuit. In these areas, the existing structures would be replaced by new, stronger structures, which would be costly. BPA is willing to use the more costly double-circuit structures to lessen environmental impacts. This design was proposed in direct response to scoping comments and meetings with the Forest Service.

Clearing timber for this project would be kept to a minimum by using existing roads where possible, using structure types that require a more narrow clearing path, and by using existing cleared areas.

An alternative that rebuilds the entire line to double circuit was considered but eliminated from further consideration because of the high cost (see Section 2.6.2.2, Plan 2). Building a double-circuit line is at least about twice the cost of building a single-circuit line. In some terrain, the use of double-circuit rather than single-circuit structures makes the cost of the line considerably more.

4-4

There is no generation at Jackson Lake Dam. Jackson Lake Dam is owned and operated by the Bureau of Reclamation and is a storage facility located in Grand Teton National Park.

Studies to determine if Jackson Lake Dam could accommodate generation would have to be done by the Bureau of Reclamation. Since this is a storage facility, the water needed to generate power in winter to serve Lower Valley would likely be unavailable.

If generation at Jackson Dam was feasible, substation facilities and approximately 34 km (24 miles) of high voltage transmission line to transmit the power to Jackson would have to be constructed through Grand Teton National Park and the Bridger-Teton National Forest. This is an environmentally, financially and technically challenging proposal.

The cost of adding generation combined with the costs of building substation and transmission facilities would likely make this alternative cost prohibitive.

4-5

Comment noted. Please see response 4-3.

5-1

The overall long-term plan (25 years) for this area indicates it is preferable to reinforce the transmission system from Swan Valley to Teton rather than Palisade Switchyard to Alpine with further branching to Jackson. Several plans that use the southern route through the Snake River Canyon from Palisades Dam were considered but eliminated from further consideration in Section 2.6.2.2. The transmission system under the Swan Valley-Teton plan performs better economically by a factor of almost 2:3. Also, the Swan Valley-Teton alternative route would modify or build fewer miles of transmission line.

The Swan Valley-Teton Plan immediately serves Jackson, an area of high load growth. The current load forecast for Star Valley shows static growth.

Costs for each alternative are included in Chapter 2.

6-1

Please see response JPM-15. BPA has proposed, as part of the transmission line design, to remove and replace the existing line from structure 35/1 on Phillips Ridge to the Teton Substation with a new double-circuit line using single steel poles (the existing structures have two wood

poles). In the flat area, east of Fish Creek Road, these poles can be located to use existing screening from residences. They also can be located farther apart, reducing the number of structures needed but increasing the height of the structures. The new poles and conductors (wires) would be a dull/nonreflective color to blend more naturally with the surroundings.

Using these types of structures in the design and working with their location would help lessen and mitigate for visual impacts. BPA has met with landowners to get input on location of new structures. The preference is to locate structures in the same location as the existing line, keep the wire/conductors at the same height, and minimize the height of the structures.

6-2

Please see response 6-1.

7-1

Power lines do alter views and in some cases have negative impacts on the overall beauty of an area. In response to your concern, BPA met with a representative from your school district and Forest Service staff at the Pine Basin Lodge to develop several options for routing the transmission line through and away from the area that you and your students use. As a result, two additional routing options for that area are analyzed in the Final EIS. BPA and the Forest Service have selected Option D, the double-circuit option, as the preferred option through the Pine Creek area.

BPA was established in the early part of this century to electrify rural western America. Transmission lines were constructed from dams to bring the power they produced to rural areas. Transmission lines crossed tribal, federal, private, state and local government lands, and still do today. The lines that serve Pine Basin Lodge and schools within your school district most likely cross private, state, tribal, and federal lands. Those small distribution lines are connected to a larger transmission grid that crosses state boundaries because the power that flows to you may not be generated in Idaho.

7-2

Comment noted. Please see response 7-1.

8-1

Comment noted. BPA proposes to use single steel poles (double-circuit) on the existing right-of-way from structure 35/1 on Phillips Ridge to Teton Substation.

8-2

Comment noted.

8-3

Comment noted. Undergrounding the transmission line from Fish Creek Road to Teton Substation is described as a mitigation alternative in Chapter 4.

8-4

Comment noted. Please see response 6-1.

8-5

Comment noted. Please see response JPM-44.

8-6

BPA would install a steel gate at the northwest property boundary of Teton Substation where it meets the easement across your property.

8-7

BPA would be happy to meet with you before any construction. BPA would work hard to try and accommodate requests from landowners involving construction schedules, etc.

8-8

Comment noted.

9-1

Comment noted.

9-2

BPA has defined and predicted levels of impacts on those resources you mention in Chapter 4 of the Final EIS. In some cases impacts are high, in other cases there are no impacts or impacts are low or moderate. BPA has proposed mitigation that would lessen impacts to the environment.

BPA understands your desire to move towards more passive forms of energy generation and has supported research and development of renewable resources. Until less intrusive technology that delivers power becomes cost-effective, BPA will continue to use overhead transmission lines to deliver power and mitigation to lessen impacts.

9-3

BPA supports the development of renewable energy, now known as “green power” or alternative power resources. It has always been a logical niche for a public agency like BPA. In addition to solar energy, BPA includes biomass and pulping residue, geothermal, hydropower, and wind in its renewable energy resource mix. From 1992-1996, BPA invested \$84,000 in solar, \$4,063,000 in biomass and pulping residue, \$1,882,000 in geothermal, \$52,774,000 in hydropower, and \$4,059,000 in wind energy development.

BPA just signed an agreement with PacifiCorp and the Eugene Water & Electric Board to buy 37 percent of the output of a 41.1 megawatt wind turbine project to be located at Foote Creek Rim near Arlington, Wyoming. This wind project will be the first major wind project involving Northwest utilities to move to the construction phase. It will test wind energy's ability to be a reliable, economical and environmentally acceptable resource. It also will demonstrate a wind turbine's ability to operate efficiently in a cold weather environment.

10-1

Customers who benefit from the project may elect to raise their electric rates in order to add to the mitigation BPA is willing to implement. Lower Valley surveyed 300 randomly selected customers to determine if they would be willing to pay \$3.00 per month for landscaping at Teton Substation. Please see response to JPM-23 for results of this survey.

11-1

All mitigation listed in the wildlife section are actions BPA would commit to implementing if BPA chooses a construction alternative.

In some areas due to the presence of Trumpeter Swans and other migratory birds, BPA would work with the Forest Service, IDEFG, and WGF to determine where marker devices are needed to reduce the potential of bird strikes. See Section 4.9.2.2.

Though burying a transmission line in some areas might lessen bird collisions, it increases the impacts to other natural resources, specifically impacts to riparian habitat, wetlands, water quality, and fish spawning habitat. Because of these impacts, its high cost and diminished reliability, BPA does not consider this alternative feasible.

11-2

BPA would avoid construction in delineated deer/elk winter range during vulnerable times. Construction schedules would be coordinated with the Forest Service, IDFG, and the WGF. For construction, BPA would use existing access roads to the extent possible. New roads would be needed, but construction would be kept to a minimum. After construction, new and existing access roads need to be maintained for routine and emergency maintenance. BPA would continue to try and schedule routine maintenance to minimize impacts to big game. BPA would gate any access road as required by the Forest Service. Each gate would have a BPA and Forest Service lock.

BPA must construct after August 30 because the construction crews are limited by an extremely short construction season and must take advantage of the dry weather at that time of the year. BPA maintenance crews meet periodically with the Targhee National Forest in Idaho Falls or the surrounding area to discuss all types of maintenance activities, including needed access restrictions. The IDGF is invited to participate in those meetings.

BPA and the Forest Service have added two new routing options through the Pine Creek area. Option D uses double-circuit structures and is now the preferred option.

11-3

Comment noted. Streams would be crossed with bridges or appropriately designed culverts to prevent fish blockage and disturbance to the streambed. Changes were made to the FEIS regarding fish presence and passage issues.

12-1

BPA does consider the visual impacts in your area to be high. BPA has proposed, as part of the transmission line design, to remove and replace the existing line from structure 35/1 on Phillips Ridge to the Teton Substation with a new double-circuit line using single steel pole structures (the existing structures have two wood poles). These structures can be located to use existing screening from residences. They also can be located further apart, reducing the number of structures needed. The new poles would be a dull/nonreflective color to blend more naturally with the surroundings.

Using these types of structures in the line design and working with their location would help lessen and mitigate visual impacts. Because these structures are proposed as part of the design, they were not mentioned in the visual mitigation section. BPA has now recognized the benefits of this design in the mitigation section.

The conductors (wires) for the new double-circuit line need to be stacked vertically or upwards, making the new structures about 6-9 m (20-30 feet) taller than the existing structures. (See Figure 2-1 in the FEIS.) The conductors would be about 3 m (10 feet) apart, with the bottom conductor at a similar height as the existing line. The wires would also be a dull/nonreflective color to blend more naturally with the surroundings. Placement of the new structures would affect the location of wire as viewed from residences. BPA would take this into consideration when locating the new structures. If requested, BPA has met with adjacent landowners to discuss these issues. The preference is to locate structures in the same location as the existing line, keep the wire/conductors at the same height, and minimize the height of the structures.

12-2

Comment noted. Please see response 12-1.

12-3

These options are identified as mitigation alternatives in Section 4.2.2.2 of the FEIS.

12-4

Comment noted. Please see responses 12-1, 12-2, and 12-3.

13-1

The proposed transmission line would follow the existing corridor.

This mitigation measure is identified in the FEIS, Section 4.9.2.2.

13-2

The transmission line would be designed such that avian electrocution could not take place because BPA provides adequate separation between conductors (wires) so birds cannot touch two conductors at the same time. With the size of the conductor proposed for this transmission line, raptor strikes are not usually a problem. An overhead ground wire would be used, and more discussions would be needed among BPA, the Forest Service, IDFG, and WGF to determine if the smaller wire would need to be marked.

13-3

Comment noted. Marking of new transmission lines is recommended in Section 4.9.2.2 of the FEIS.

BPA will work with the Forest Service, IDGF, and WGF to determine where marker devices are needed in crucial trumpeter swan flight corridors.

13-4

Surveys for raptor nests are identified as a recommended mitigation in Section 4.9.2.2 of the FEIS. BPA is conducting wildlife surveys this year (1998) with the help of the Forest Service. BPA and the Forest Service would implement construction constraints pending the results of the surveys.

13-5

During BPAs surveying process, utility crossings are identified and mapped. Impacts to utilities are not likely because the new structures can usually be located away from the equipment. If a utility was impacted, BPA would work with the utility owner to make sure the utility is maintained or made whole. For specific utility crossings such as overhead distribution lines, the contractor building the new line would contact the utility and safeguard the distribution line with guard structures. Some outages during construction may be unavoidable for safety reasons. Unless a utility has no prescribed rights inside of an existing BPA right-of-way, BPA would pay for the utility's direct physical impacts.

13-6

Please see response 13-5.

13-7

Comment noted.

14-1

A 30-day DEIS comment period extension was granted to the Lake Creek II Homeowners Association and those they chose to involve. BPA understood it was the Homeowner's intent to contact their local, state, and federal officials so they could comment on the Draft EIS. The extension was also granted to your office.

15-1

The full 30-day DEIS comment period extension was granted to the Lake Creek II Homeowners Association and those they chose to involve.

16-1

A 30-day DEIS comment period extension was granted to the Lake Creek II Homeowners Association and those they chose to involve. BPA understood it was the Homeowner's intent to contact their local, state, and federal officials so they could comment on the Draft EIS. The extension was also granted to your office.

17-1

A 30-day DEIS comment period extension was granted to the Lake Creek II Homeowners Association and those they chose to involve. BPA understood it was the Homeowner's intent to contact their local, state, and federal officials so they could comment on the Draft EIS. The extension was also granted to your office.

18-1

Structures 29/1 and 29/2 are in the Palisades Wilderness Study Area (WSA). BPA proposes to use the footings of the existing steel lattice structures and replace the bodies and tops of the structures with taller double-circuit structures. This can be done with helicopter construction and no new roads will be needed in the WSA. This proposal is in response to a request by the Forest Service to minimize impacts to the WSA and avoid additional clearing. The new structures would be about 6-9 m (20-30 feet) higher than the existing structures. There would also be three additional conductors (wires) on each structure. Very little if any additional clearing would be required with the new structures. The new structures would add costs and provide lower reliability than single-circuit structures.

BPA will continue to work with the Forest Service to propose ways to minimize impacts to the WSA. The Agency Proposed Action would not appreciably change the character of the existing corridor or the potential for future designation of the area as wilderness.

18-2

Map 12 has been corrected.

18-3

Map 10 has been corrected.

18-4

BPA agrees that it does not have reserved rights for a new line.

18-5

BPA agrees and has tried to clear up this confusion in the FEIS.

18-6

During on-site discussions, BPA and the Forest Service jointly determined that structures 29/1 and 29/2 are in the WSA. BPA proposes to use the footings and the bodies of the existing steel lattice structures and replace the tops of the structures with taller double-circuit structures. Please see response 18/1.

18-7

Please see response 18-6.

18-8

The existing access road system uses the Old Pass Road and Phillips Bench roads for access to the transmission line. BPA wishes to build only the minimum number of roads required for construction and maintenance. BPA will work with the Forest Service to incorporate other uses (including firewood gathering and recreation) for roads, or limit access using gates.

18-9

After construction, use of the right-of-way by recreationists would continue unless the Forest Service requests certain restrictions be placed by BPA on access. Please see response 18-8.

18-10

The Agency Proposed Action would parallel the existing line along Highway 22. In most areas, a small additional ROW width would be needed requiring only small trees to be cut. New spur access road construction would be kept to a minimum and would be reseeded with a native mix to minimize visual scars.

18-11

Please see response JPM-44. The existing towers would not be painted.

18-12

BPA wishes to build only the minimum number of roads required for construction and maintenance. BPA will work with the Forest Service to incorporate other uses (including those you mention) for roads, or limit access using gates.

18-13

BPA is well aware of the Forest Service concern for new access roads and construction of the line. More access road and clearing for construction information has been added throughout the FEIS and in Appendix C.

A cultural resource survey of the additional right-of-way was done in September 1997. Results of that survey are in Section 3.12 and Appendix I.

See discussion in Section 4.7.2.2, Wetlands Impacts, and Section 4.7.2.3, Mitigation, for measures to protect wetland resources.

18-14

Table 5-2 lists the prescriptions crossed by the line and those actions BPA proposes to take to attain be consistent with the forest goals and objectives, standards and guidelines, and prescriptions of the management area. BPA would continue to work with the Forest Service throughout the design and construction process to make sure these actions are taken.

18-15

The timing of various activities that need to take place in 1998, 1999, and 2000 would need to be thoroughly thought out and coordinated with the Forest Service. BPA would work closely with the Forest Service to coordinate these activities. Much of the planning for actions taken in 1999 would need to take place in 1998 during the design phase. BPA believes that through good planning and coordination, most, if not all road building and clearing could occur in 1999, allowing for transmission line construction to occur in 2000. Depending on the weather and how quickly information comes in from the field during the surveying phase, the schedules may be accelerated. Various clearing methods for the right-of-way would be discussed with the Forest Service and memorialized in the Project Plan.

18-16

The discussion on Forest Service decisions in Chapter 1 has been expanded to include those you have listed. BPA is not planning to do further NEPA analysis on road construction as the intent is to identify all new and existing access roads in this EIS. BPA does plan to do more site-specific environmental analysis on vegetation management. This is stated clearly in Section 2.1.7.

18-17

The issues listed in Section 1.5 were meant to give the reader a general idea of the issues raised during the scoping process. The list was not meant to include all issues to be considered in the EIS. All scoping comments were logged in, characterized by subject, and forwarded to the resource specialists for inclusion in their resource analyses in Chapter 3 and 4.

18-18

Since the DEIS, more information on clearing, roads, creek crossings, gates, road closures, etc. has been gathered from field trips and at meetings with the Forest Service. The FEIS now includes this information in Chapter 2 and Appendix C. Additional impact information has been added to the resource sections in Chapter 4.

18-19a

Please see response 18-16.

18-19b

Please see response 18-18.

18-20

Please see response 18-18.

18-21

BPA needs access to each structure site, if possible, for construction and maintenance activities. Once constructed, BPA would work with the Forest Service to determine the use of each road. BPA would install gates of the appropriate type in each area as required by the Forest Service. BPA and the Forest Service would have keys to each gate. Most of the proposed uses and gate installations have already been identified and coordinated with the Forest Service and have become part of the FEIS. BPA prefers to keep vehicular activity to a minimum on access roads by keeping gates closed and locked where appropriate.

18-22

Please see response 18-1.

18-23

Comment noted. BPA agrees with this assessment. The revised estimate of right-of-way to be cleared to construct, operate and maintain the proposed transmission line is about 25 hectares (62 acres). Most of the clearing will take place within the old backline. BPA also estimates about 6 hectares (15 acres) to be cleared for new access roads.

18-24

Please see response 18-18. Since reviewing the latest road plan, the Forest Service has not identified any inconsistencies with the Forest Plan.

18-25

The proposed transmission line would cross the Dry Canyon/Pine Creek Cattle Allotment, the Burbank Sheep Allotment, the Spencer Sheep Allotment, and the Pine Creek Cattle Allotment within the Palisades and Teton Basin ranger districts within the Targhee National Forest. No allotments would be crossed on the Bridger-Teton National Forest.

Clearing an additional right-of-way through these rangelands would create additional forage for grazing, a beneficial impact. Additional access roads/clearing could also encourage livestock movement between allotments on Forest Service lands within the Targhee National Forest. Where the project would breach natural barriers between allotments, such as timber stands, fencing may need to be installed to control livestock. Should fencing be found to be necessary on the Targhee, BPA would work with the Forest Service to determine specific locations and specifications. Where mitigation would be provided, the impact would be considered low.

18-26

The EIS focuses on construction noise, habitat loss, and avian collisions because these are the primary wildlife concerns relative to the alternatives and their environmental consequences. Surveys are being conducted in 1998 according to an agreement between BPA and the Forest Service. The wording for surveys in the FEIS has been changed to more accurately reflect BPA's actions regarding surveys.

18-27

The timing and location to begin vegetation clearing would be closely coordinated with the Forest Service. Information obtained from the wildlife surveys will help in that determination.

Timing restrictions for deer, elk, and moose would begin on November 15, allowing for a four-month construction window (depending on weather conditions). Work in the fall may continue past November 15 for emergency reasons. This would be coordinated with among BPA, Forest Service, WDGf, and IDFG. Timing restrictions would not conflict with timing restrictions for other species, although collectively they do complicate BPA's ability to meet the project schedule.

18-28

Please see comment 18-16 and response.

18-29

Figure 2-1 is really meant to be a schematic of the structures and how they would fit next to the existing right-of-way and line. BPA has expanded the discussion in Section 2.1.3 and Appendix J to include the new information for clearing. The revised estimate of right-of-way to be cleared to construct, operate and maintain the proposed transmission line is about 25 hectares (62 acres). Most of the trees in the 25 hectares are small and generally nonmerchantable except for possible fenceposts. BPA also estimates about 6 hectares (15 acres) to be cleared for new access roads. These trees vary from small to larger trees.

18-30

Please see response 18-18. Since reviewing the latest road plan, the Forest Service has not identified any inconsistencies with the Forest Plan.

18-31

Figure 2-4 summarizes information in Chapters 3 and 4. It was very difficult to put all the information from Chapter 3 and 4 in the table. The issues listed in Section 1.5 were meant to

give the reader a general idea of the issues raised during the scoping process. The list was not meant to include all issues to be considered in the EIS. All scoping comments were logged in, characterized by subject, and forwarded to the resource specialists for inclusion in their resource analyses in Chapter 3 and 4.

18-32

Comment noted. BPA's revised estimate of right-of-way to be cleared is about 25 hectares (62 acres) and about 6 hectares (15 acres) for access roads. This change is reflected in Section 4.1.2.1. The impact level in the FEIS has been changed from no impact to low impact to reflect information in the Record of Decision for the Targhee National Forest's Revised Forest Plan.

18-33

Chapter 2 does describe the facilities needed for the switching station at Targhee Tap, including a new entrance road. For the preferred site, the road would follow the existing access road up past Targhee Tap to the new site for the switching station. For the second site, the road would turn off Pole Canyon Road into the new site. More information has been added to the FEIS in Sections 4.2.2.1 and 4.2.2.2.

18-34

The revised estimate of right-of-way to be cleared to construct, operate and maintain the proposed transmission line is about 25 hectares (62 acres) and about 6 hectares (15 acres) for access roads. This estimate is based on a site visit combined with aerial photography and using BPA's clearing criteria.

This clearing estimate is the best BPA can do at this time without the benefit of a ground survey. BPA considers this estimate to be conservative. The exact numbers and locations of trees to be cleared would be appropriately addressed again during the detailed design phase of the project, after a survey is completed and structure locations are known. While BPA will not mitigate for past impacts from the existing line, specific clearing plans that blend the right-of-way into the surrounding vegetation would, by clearing the smallest amount possible to achieve this effect, go a long way in mitigating for past impacts. This mitigation is recommended in Section 4.2.2.2. BPA will continue to work closely with the Forest Service to help mitigate a new line.

18-35

The objective on page III-107 reads: "Within five years of the Record of Decision, all existing roads, trails, culverts, fords and stream crossings within these lands would be inventoried and evaluated as to whether they meet management prescription goals. Those that do not meet management prescription goals would be scheduled for restoration or obliteration."

Two prescription goals stated on page III-107 of the revised forest plan would apply to the proposed project:

"1. Minimize adverse effects to aquatic and riparian dependent species from past, existing and proposed management activities; and ...

3. Manage wood residue (natural and human-made), including firewood, to maintain or restore ecological health and function."

As part of project planning, BPA, with the help of the Forest Service, has evaluated all roads and stream crossings proposed to be used during construction and maintenance. Existing roads that are not in good condition would be upgraded to meet the prescription goals of the forest to minimize adverse effects to aquatic and riparian resources. Upgrades could include reggrading roads, installing new or replacing culverts or bridges, armoring or eliminating existing fords, closing some roads or road sections not essential to the construction or maintenance of the transmission lines, and installing water bars or drainage ditches to minimize surface runoff to streams.

Proposed construction would remove a small amount of riparian vegetation to install new bridges or bridge replacement on existing roads, and new road stream crossings. This may directly affect aquatic or riparian resources. Overall removal of riparian vegetation would be very small in each watershed. See Sections 4.6, 4.7, and 4.8.

New roads would be designed and constructed to prevent adverse effects to aquatic and riparian resources. New roads would be constructed primarily in upland areas, outside riparian areas. However, four intermittent drainages (as shown on USGS maps) would need to be crossed by new roads. At these crossings, the minimum riparian vegetation would be removed to transport materials on the road (15 to 20 feet wide). All crossings and approaches to these crossings would be designed with measures such as appropriate siting, water bars, sediment control devices, etc. to minimize sediment transport to streams. Locations of all access, both existing and proposed roads, are shown on photomaps in Appendix C.

Timber removal as part of widening the existing right-of-way and construction of new access roads would be done in a manner which maintains or restores ecological health and function. All marketable timber would be removed using basic timber harvest best management practices. The remaining slash would most likely be left on site to degrade or be burned. BPA would coordinate closely with the Forest Service on timber removal. BPA does not believe that the proposed line would cause large woody debris to be carried to streams.

18-36

There would be no tree clearing in riparian zones, however riparian vegetation would be removed during bridge and road approach construction. The action would be in compliance with prescription 2.8.3 in the Revised Targhee Forest Plan. See Table 5-1, Targhee Forest Plan Management Prescriptions, for a discussion of the various goals and objectives for each prescription and how BPA would be consistent with them.

18-37

BPA has added this discussion in Section 2.6.

18-38

Since the DEIS was released, BPA has gathered more information on clearing, roads, creek crossings, gates, road closures, etc. during field trips and meetings with the Forest Service. The FEIS now includes this information in Chapter 2 and Appendix C. Additional impact information has been added to the resource sections in Chapter 4.

The Forest Service has reviewed the road system and recognizes that spur roads as drawn on the photomaps may move slightly during actual surveying.

In many meetings with the Forest Service, BPA has explained their intent to continue working with the Forest Service after the Record of Decision and through the clearing and construction phases. BPA would also work closely with the Forest Service on a Project Plan. The Project Plan has more detail on project design, construction specifications and standards, and additional mitigation.

18-39

BPA believes that the impact would be low. Nearly all of the new road construction would be in upland areas and have very little effect on hydrologic function or floodplains and stream

channels. There are five additional stream crossings (as shown on USGS maps) planned for the new temporary or permanent roads, and they all occur in intermittent or low flow channels (less than 1 cfs). Stream crossings would consist of either temporary or permanent bridges or culverts; no fords are planned through flowing streams. Bridges or culverts would be properly sized, designed, and armored so that they do not significantly affect stream flow or the stream gradient, and would minimize long-term sediment delivery. Bridge construction would disturb or remove some riparian vegetation, but large woody debris would not be carried into streams. See a more detailed description in FEIS Section 4.10.

18-40

We contend that with properly designed and located roads and stream crossings, overall native cutthroat habitat quality would not be appreciably reduced. More information is presented in Section 4.10 of the FEIS.

The standards and guidelines noted by the commentor are:

Standard and Guideline (watershed, general)

1. Not more than 30% of any principal watershed or their subwatersheds in hydrologically disturbed condition.

Standards and Guidelines - Fisheries and Aquatic Resources

1. Instream facilities must maintain minimum instream flows, provide fish passage, and screens to prevent loss of fish.

2. When reauthorizing existing special use permits for instream facilities, provide for minimum instream flow, fish passage, and screens to prevent loss of fish.

3. Within watersheds with native cutthroat trout or waters vital to meeting recovery goals, avoid activities which reduce habitat features (pool frequency, temperature, large woody debris, bank stability, lower bank angle, and width/depth ratio) below expected values or retard the rate of recovery of degraded habitat features.

4. Emphasize watershed analysis or site-specific analysis to more accurately define fisheries habitat features when planning or conducting management activities within Native Trout Watersheds.

5. Expected values may be adjusted based on field analysis or literature review.

Big Hole Mountains - Goals and Objectives - Fisheries, Water and Riparian Resources:

Goal - Channel stability would be rated at good to excellent for individual streams.

Objective - Improve stream channel stability rating to good or excellent by 2007 where natural conditions allow on South Fork, Packsaddle, Horseshoe, Superior, North Fork Mahogany, Main Mahogany, Henderson, Patterson, and Murphy Creeks.

No instream facilities are proposed that would affect flow (Forest Standards & Guidelines 1 and 2). No activities proposed would reduce habitat features below expected values or retard the rate of recovery of degraded habitat features (Forest Standard & Guidelines 3). No additional fish habitat analysis was conducted as part of the proposed project (Forest Standard & Guidelines 4). It is assumed that all streams with potential native trout habitat do provide habitat, and construction activities would incorporate best management practices to avoid or minimize potential impacts to fisheries resources. BPA does not propose to evaluate or attempt to adjust expected values (Forest S&G 5). Although the proposed project would not appreciably improve

stream channel stability in the drainages affected, neither would it hinder the attainment of the Big Hole goals and objectives for improved stream channel stability.

18-41

BPA is discussing several tree clearing options with the Forest Service. Options vary for selling the timber. BPA could provide the clearing design and specifications and the Forest Service could contract the sale. Or, BPA could contract the sale and reimburse the Forest Service for the value of the timber removed, minus the cost of removal. Although with the latest proposed clearing requirements, the amount of merchantable timber that would be removed has been dramatically reduced. Most of the trees that would be removed are small.

BPA will continue to discuss these options with the Forest Service and reach a mutually beneficial agreement.

18-42

Comment noted. This change has been made in the FEIS.

18-43

The influence of glaciation on the landscape was in reference to the southern Teton Range and Jackson Hole area, where the eastern portion of the project is located. This has been clarified in the FEIS.

18-44

The Snake River Range is identified on USGS 1:24000 scale quads and was the designation adopted for this northwest-trending range. The Snake River Range is dominated by a series of long parallel ridges separated by valleys. The project from Pine Creek to Trail Creek is located predominately within this range. Map 8, Soil Limitations, shows the approximate location of this range.

18-45

Because the Summary needs to be a short document, it does not contain all of the information found in the Draft and Final EIS. Impacts from road maintenance and clearing are discussed in the resource sections in Chapter 4. The relative amounts of soil disturbance, number of stream crossings, and the amount of land taken out of production are also discussed in the resource sections in Chapter 4.

18-46

See response to comment 18-45. Discussion of the SVC Alternative impacts is contained in each resource section in Chapter 4.

18-47

Additional text has been added to Chapter 4 in the FEIS.

18-48

Comment noted. This change had been made in the FEIS.

18-49

Please see response 18-43.

18-50

Since erosion rates vary from location to location depending on such variables as soil physical properties, slope length and steepness, vegetative cover, rainfall characteristics, and management practices, there is not one "normal" level for all locations. Therefore, the term "normal" erosion rate has been changed to "present" erosion rate where pre-construction erosions levels at a particular location are referred to.

18-51

Table 4-1 was intended to provide an overview of the many impacts to water and soil resources. Many of the concerns addressed in this comment are too specific to address in this table. Water temperature was not addressed in the table because impacts on stream water temperatures from clearing would be negligible. It was noted in the FYI sidebar in Chapter 4, Water Quality and Soils/Geology. The right-of-way crosses most streams at nearly a right angle. Additional clearing in forested areas for the new right-of-way would not expose long stretches of stream bank. New roads also tend to cross drainages at right angles and no streamside vegetation would be cleared for any considerable length. Additionally, clearing would not affect any lakes or ponds.

Concerns about compliance with state water quality standards and the revised Targhee Forest Plan are addressed in Section 4.6, Water Quality and Soils/Geology. Also, please see response 18-35. Wetlands are addressed in Section 4.7. The amount of soils removed from production by access road construction is also addressed in Section 4.6.

18-52

Please see response 18-51.

18-53

Please see response 18-51.

18-54

Changes have been made in Chapter 4.

18-55

See Section 4.7.2.2 for discussion of direct and indirect wetlands impacts.

18-56

Comment noted. See discussion in Section 4.7.2.2 Wetlands Impacts, and Section 5.16 Discharge Permits under the Clean Water Act.

18-57

Comment noted. See discussion in Section 4.7.2.3, Mitigation, and Table 5-1 which discusses the Targhee Forest Plan Management Prescriptions.

18-58

BPA has carefully reviewed the revised Forest Plan prescriptions for areas traversed by the project. It appears that the project is consistent with the new range of VQOs and ROS designations. Please refer to Map 25, dated April 1997, of the Forest Plan Revision for Targhee National Forest, Idaho and Wyoming.

18-59

1. BPA has worked closely with the Forest Service on survey timing and requirements. All surveys will be conducted per an Interagency Agreement with attached protocols jointly developed by the Forest Service and BPA in 1997.

2. Forest Service standards and guidelines would be followed where possible. However, most of the Forest Service standards and guidelines are oriented toward timber harvest, where planners have greater latitude to modify harvest units to accommodate threatened and endangered species. For the transmission project, where site-specific alternatives are more limited, site-specific management prescriptions may need to be developed in consultation with the Forest Service to protect nest sites or other sensitive features identified during pre-construction surveys.

3. BPA agrees, although mitigation does not necessarily require replacement of habitat. For example, mitigation for a nest site may sometimes be achieved by developing and implementing a site-specific management plan that takes into account site-specific topography, habitat, and other conditions in lieu of using the generic standards presented in the revised Forest Plan.

4. BPA would coordinate with the Forest Service regarding this issue during development of specific clearing plans and site prescriptions. This requirement, if applied to the project without regard to site-specific conditions, may not be appropriate. For example, many places where timber would be removed contain only small trees that are far too small to meet the definition of large woody debris. In addition, some conflicts may arise between leaving large woody debris for wildlife habitat while trying to meet fire management standards and guidelines. BPA is eager to maintain wildlife values within its transmission corridors, especially in ways that do not interfere with safe and reliable operation, such as retention of large woody debris where appropriate.

5. Please see responses 18-8, 18-9, and 18-12.

6. Comment noted.

7. Comment noted.

18-60

The purpose and need for the Forest Service in Chapter 1 has been combined.

18-61

Please see response 18-18.

18-62

Please see response 18-41.

18-63

Your comment is difficult to respond to without more detail. Existing motorized use is discussed in Section 3.3.1. Impacts to these resources are discussed in Section 4.3.2.1, along with the mitigation identified to “coordinate with each Ranger District to develop gating plans that would promote the types and levels of use desired at each access road.”

18-64

Table 5-1 in Chapter 5 lists all the Targhee Forest Plan Prescriptions on or adjacent to the new and existing line that could be affected by the line and access roads. The Goals and Objectives, Standards and Guidelines are summarized and how BPA plans to be consistent with them is listed.

18-65

Please see response 18-38.

18-66

The new routes you refer to in the Pine Creek area near the lodge are described in Chapter 2. Impacts are discussed in Chapter 4.

18-67

Map 11 shows this information.

18-68

The criteria BPA used to categorize impacts on wildlife as high, moderate, low, or none are outlined in Section 4.9.1 of the FEIS. BPA considers significance based on the CEO NEPA regulations, which discuss significance in terms of both context and intensity (40 CFR 1508.27).

In terms of context, the significance of the impact would be confined to the site of action. The impact is not significant in the context of the region or, on a smaller-scale, the Targhee National Forest, where less than 31 hectares (77 acres) of forest lost is negligible in terms of the projected 20,520 acres that will be harvested over the next 10 years on the Forest (as projected in the revised Forest Plan). So, in terms of context, BPA views the loss of conifer forest as localized and, therefore, does not consider it a “high” level of impact.

In terms of intensity (severity of the impact), the conifer forest that would be lost is a relatively common habitat type within the watersheds of the project area. In general, an impact on an exceedingly rare community type, such as one that provides critical habitat for a threatened or endangered species listed under the Endangered Species Act, is considered significant in terms of intensity. Please see the CEO regulations, which outlines 10 criteria to be considered in evaluating intensity. The impact of forest removal for the Agency Proposed Action does not meet these criteria (40 CFR 1508.27).

It is true that many sensitive species use coniferous forest, but because this forest type is one of the most common habitats present within the watersheds where the project would occur, BPA does not consider this a high intensity impact. Many species referred to in the comment are in trouble because of changes in forest structure that have occurred from other human influences. The majority of coniferous forest that would be lost because of the transmission line consists of dense stands composed of small lodgepole pine, Douglas-fir, and other conifers. This habitat type is the result of decades of fire suppression that has caused landscape level changes in forest stand composition and habitat loss for forest dependent species. For instance, much of the coniferous forest that would be lost as a result of the proposed transmission line is much too small to be of use to many of the sensitive species referred to in your comment, and much of the forest is so densely stocked that northern goshawks and flammulated owls would have difficulty navigating within them.

The cleared right-of-way would still provide wildlife habitat, including habitat for several sensitive species. For example, northern goshawk and great gray owl are known to forage along forest clearings. Small mammal populations may be higher as well, partly because food would be more abundant in the new right-of-way than in the densely stocked forest stands present now.

These factors need to be considered when evaluating the significance of impacts on wildlife and, in consideration of these factors and the criteria established in the EIS, BPA believes that the loss of conifer forest does not constitute a “high” level of impact in terms of context and intensity.

The DEIS identified lost production or use of renewable resources, such as timber, as an irretrievable loss. However, BPA considered the loss not to be irreversible because management direction could change and return lost lands to producing timber and associated wildlife habitat. Nevertheless, because of the long-term purpose and need of the project, it is reasonable to expect that the line would remain indefinitely. Therefore, this impact has now been identified as an irreversible commitment of resources as well.

BPA typically mitigates impacts on species listed under the Endangered Species Act or other unique habitats, such as wetlands. BPA does not typically mitigate impacts on relatively common habitat types. As stated above, BPA does not believe the loss of coniferous forest represents a high level of impact.

BPA lists mitigation measures in the FEIS.

18-69

The source of the EIS information relating to fish habitat condition in the Pine Creek drainage was from a U.S. Forest Service environmental assessment of several grazing allotments, including grazing allotments in the Pine Creek drainage (U.S. Department of Agriculture, Forest Service, 1996a). In discussing fish habitat conditions in the Pine Creek drainage, the EA states on page 29, paragraph 5, that the “fisheries habitat condition has been rated poor to fair through these reaches.” Though habitat conditions were rated poor to fair, this EIS acknowledges that Pine Creek does provide a significant portion of spawning habitat for Snake River populations of cutthroat trout.

18-70

Information in the EIS relating to beaver activity contributing to sedimentation problems in the Pine Creek drainage came from the same cattle allotment EA discussed under the response to Comment 18-69. The Forest Service states on page 29, paragraph 6, that “a short reach just above North Pine Creek shows an increase in sediment deposition due to a series of beaver dams.”

The comment regarding sediment problems (i.e., Tie Canyon) is noted. Road upgrades and new roads would be designed to minimize construction-related and long-term sediment transport to streams. For instance, after visiting Tie Canyon several times, the Forest Service and BPA recognized the need to control sediment from entering the creek. The existing bridge coming off the highway would be used for construction and the road up to Tie Canyon would be re-rocked. A new bridge would be installed to span the drainage and the alignment of the road would be altered slightly to bring the road up out of the drainage.

Road access to existing structures already exists for over 80 percent of the line. BPA would need to construct about 4.5 km (2.8 miles) of new road to access 2.7 km (1.7 miles) of new road and existing roads within the right-of-way. This includes about four or five new, short access roads from the main highways. BPA would need to construct about 7.3 km (4.5 miles) of short spur roads within the right-of-way to site new structures.

Additional site-specific information and analysis of road locations and potential impacts is provided in Chapters 2 and 4. Existing and proposed new roads are shown in Appendix C.

18-71

Please see response 18-38.

18-72

BPA completed a study of recreation issues along Teton Pass. The potential positive impacts to yo-yo skiing/snowboarding are in Section 4.3.2.1.

18-73

Please see response 18-16.

18-74

Please see response 18-38.

18-75

BPA briefly analyzed the alternative of burying the transmission line but dismissed it from further consideration because of its high cost. This is explained in Section 2.6.5. As you suggest, BPA has stated the reason for dismissal in the first paragraph of the discussion instead of waiting to state it in the last paragraph of that section.

18-76

The population of the project area is discussed on page 3-31 and 3-32 of the draft EIS in the Socioeconomics Section. Specifically Section 3.13.1, Population, discusses the population of the project area including Teton County. The information for this discussion was obtained from a number of sources including the U. S. Department of Commerce, Bureau of the Census, 1993; the Idaho Department of Employment, Research, and Analysis Bureau, February 1996; and the Wyoming Department of Administration and Information, Division of Economic Analysis, 1995. This same information is in the FEIS.

18-77

Please see responses 18-18 and 18-23.

BPA proposes removing trees off the new right of way only where they are diseased or leaning toward the line and might fall into the line and cause an outage or fire.

18-78

BPA has worked with the Forest Service to identify appropriate mitigation and it is identified in the FEIS. BPA will develop a Mitigation Action Plan after the Record of Decision as required by the National Environmental Policy Act and Department of Energy Regulations implementing NEPA.

18-79

This has been clarified in the FEIS.

18-80

The proposed project would pass through two cattle and two sheep allotments on the Targhee National Forest. No grazing allotments would be affected on the Bridger-Teton National Forest. Please see response 18-25.

18-81

BPA would work with the Forest Service to develop the method of tree disposal or removal, and if merchantable, how the timber is marketed. If it is possible to open up areas for firewood gathering by the public, clearing would have to be completed in one short summer season and the right-of-way would need to be left in the best condition possible for construction activity. BPA would work with all parties to ensure that the appropriate number of trees are removed from the right-of-way to lessen visual and erosion impacts. If trees are removed commercially during a timber sale, the activity would be coordinated with affected parties so as not to interfere with the general clearing contractor.

18-82

The text in the FEIS has been revised.

18-83

The text in the FEIS has been revised. Surveys will be completed in 1998.

18-84

BPA has worked closely with the Forest Service on survey timing and requirements. All surveys will be conducted per an Interagency Agreement with attached protocols jointly developed by the Forest Service and BPA in 1997.

18-85

Please see response 18-84.

BPA will send the biological evaluation to the Forest Service for their review.

BPA received a memo from the Forest Service dated September 11, 1997 that drops the date of July 15 as to when ground disturbing activities could begin.

Forest Service Standards and Guidelines would be followed where possible. BPA has not completed all surveys yet but anticipates that if nests are found, all Forest Service Standards and Guidelines for certain nesting species will not be met. Most of the Forest Service Standards and Guidelines are oriented toward timber harvest, where planners have greater latitude to modify harvest units to accommodate species. For transmission lines, where site-specific alternatives are more limited, site-specific management prescriptions (in lieu of using the generic standards presented in the revised Forest Plan) that take into account site-specific topography, habitat, and other conditions may be more appropriate and may need to be developed in consultation with the Forest Service to protect nest sites or other sensitive features identified during pre-construction surveys.

As per the Interagency Agreement detailing wildlife surveys, GPS will not be used in the survey. Locations will be identified on maps provided by the Forest Service.

Site-specific mitigation if required will be determined by BPA and the Forest Service in conjunction with other interested parties.

18-86

Please see response 18-18.

In general, an additional 12 m (40 feet) of new right-of-way would be needed for a new parallel line. Clearing outside this area would only be done where trees are diseased or leaning towards the line and are tall enough to possibly fall into the conductor and cause an outage or fire.

18-87

This information has been added to Section 2.1.4.

18-88

The text has been revised in the FEIS. Also, snowmobiling is described under motorized recreation in Section 3.3.1.

18-89

The specific requirements for gates, including allowing passage for horses, bikes, etc., would be determined by BPA and the Forest Service at each site.

18-90

Please see response JPM-44. This will be done.

18-91

The purpose of this project is to provide better, more reliable, service to Lower Valley's service territory. The primary intent was not focused to improve service to Fall River's service territory, which includes Teton Valley, Idaho.

The Agency Proposed Action and the Single-Circuit Alternative would not provide obvious benefits to Fall River. However, for certain outages and after crews have had time to open and close certain switches and breakers, Fall River would experience slightly better voltages on their system.

The Short Line Alternative that includes development of a new switching station would offer the most benefit to Fall River. There would be fewer unplanned outages due to faults on the existing Swan Valley-Teton line and the Goshen-Drummond line.

The SVC alternative would not provide significant benefits to Fall River. Fall River would have slightly better voltages for certain outages, specifically the Palisades-Snake River 115-kV line outage or the Swan Valley-Teton 115-kV line outage.

19-1

BPA granted a 30-day extension of the Draft EIS public comment period to the Lake Creek II Homeowners and those groups they chose to involve. The public comment period closed September 11, 1997.

21-1

BPA placed Mr. Speyer on the mail list and sent him the requested information.

22-1

BPA granted the 30-day extension of the Draft EIS public comment period to the Lake Creek II Homeowners and those groups they chose to involve. BPA understood that Teton County was one of the groups that Lake Creek II Homeowners intended to involve. The public comment period closed September 11, 1997.

23-1

Please see response 11-1.

23-2

Please see response 11-2. Also, restrictions are mentioned in Chapter 4.

23-3

Additional information regarding deer, elk, and moose winter range has been added to the FEIS in response to your comment. About 24 km (15 miles) of the 58 km (36 mile) line, or 41 percent, is within winter range. Please note that the Wildlife Report (now Appendix G) has not been revised because it is included as a background report and not as a replacement for the FEIS. As a matter of efficiency, BPA is responding to public comments directly in the FEIS and not in the background material used to develop the DEIS.

23-4

Your concerns were addressed in the DEIS, which noted that wintering deer, elk, and moose could be disturbed by construction noise and activity in the Swan Valley and Jackson areas (pages 4-55), as well as potentially disturbed by recreationists using new access roads created by

the project. BPA concurs with IDGF that this could be a significant impact and, therefore, this topic was addressed in the EIS. BPA also concurs that this impact is avoidable and identified appropriate mitigation in the DEIS and FEIS.

There would be no construction during the crucial period of November 15 and April 30 in delineated deer/elk winter range.

23-5

Where the Forest Plan directs limiting motorized vehicles, BPA would coordinate with the Forest Service on gates for roads.

BPA's maintenance crews and the Forest Service meet on a regular basis in Idaho Falls to discuss ongoing and upcoming maintenance needs and activities. BPA invites the IDFG to contact the Targhee National Forest or BPA maintenance crews in Idaho Falls to become involved in those meetings.

Because of the short construction window, construction activities need to take place after August 30 until the weather makes these activities impossible. BPA can work with agencies to schedule certain activities at certain times or in certain locations to try and avoid the fall big game hunts.

23-6

Comment noted. Option D uses double-circuit structures and is now the preferred route through Pine Creek.

23-7

All streams that have been identified as critical to fish would be crossed either by bridge or appropriately designed culvert. Fish passages would not be blocked or impeded.

23-8

BPA would reseed disturbed sites with an appropriate seed mixture as recommended by the Forest Service.

23-9

There is much debate about the distinction of forms of Yellowstone cutthroat trout. Forest Service biologists indicated that Yellowstone cutthroat present in streams along the project are the fine-spotted form. However, we have changed the text in the FEIS to Yellowstone cutthroat (the fine-spotted form).

23-10

Please see response 18-18.

The amount of timberland that would be removed has been revised. The new figure is 25 hectares (62 acres) and includes timber removed for an additional average 40 feet of new right-of-way. About 6 hectares (15 acres) will be removed for new access roads off right-of-way. All spur roads would be within the additional 40 feet of new right-of-way and would average about 100 feet in length. Map 9 shows vegetation crossed by the line. In addition to timberland, agricultural land, mountain brush, and grass brush forb and sage would be disturbed.

23-11

Neither the Northwest Electric Power Planning and Conservation Act of 1980 nor other federal laws governing BPA require the full mitigation for lost habitat sought by this comment. Section 4(h)(1)(O)(A) of the Act directs BPA to protect, mitigate, and enhance fish and wildlife affected by the construction and operation of the federal hydroelectric dams in the Columbia

River Basin. 16 U.S.C. 839b(h)(10)(A). Mitigation for transmission projects was not required in the Act. Even if such mitigation is proposed in the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program, BPA is guided, not directed, by the Council and can choose not to implement this measure. If IDFG submits this project to the Council's regional prioritization process and it is recommended for funding by the Council, BPA could consider funding it as part of the BPA fish and wildlife budget in the 1996 Fish Budget Memorandum of Agreement.

23-12

See Section 4.9.2.2 for wildlife mitigation. Mitigation includes no construction during winter in big game winter range (from November 15 to April 30), using marker devises on the transmission line in critical avian flight paths, minimizing new road construction, and following Forest Plans on road closures to motorized vehicles at any time of the year. Also, paralleling the existing transmission line would minimize the amount of critical habitat lost.

For more information, please see response 23-11.

24-1

BPA appreciates the information the Trumpeter Swan Society has provided.

Your comment states that Appendix D in the DEIS (now Appendix G in the FEIS) contains inaccuracies. BPA compared your description of trumpeter swans in the project area with the appendix and did not find the discussion to differ significantly from yours. Most of the information presented in your letter was collected since the appendix was prepared. This information was regarding trumpeter swan activity in the region and outside the area of the project's influence, and although appreciated, the information was not included in the FEIS.

The primary concern regarding the project and its consequences on trumpeter swans are (1) disturbance of nesting trumpeter swans and (2) the potential for trumpeter swans to fly into lines. Because the additional information you provided did not identify any nest sites that may be disturbed or any new information regarding collisions, BPA did not see a need to revise information in the DEIS.

24-2

Please see response 24-1.

24-3

Please see response 24-1.

24-4

Please see response 24-1.

24-5

Please see response 24-1.

24-6

Please see response 24-1.

24-7

Section 3.10.2 in the FEIS references the use of Pine Creek as a likely travel corridor for trumpeter swans.

24-8

Please see response 24-1.

24-9

BPA addressed concerns regarding potential trumpeter swan collisions with the new transmission line by proposing that marker balls be installed as you recommended. Marker devices would be used in critical avian flight paths. BPA would work with the Forest Service, IDFG, and the WGF to explore using different marker devices, including marker balls.

25-1

At the July 24 meeting with the Lake Creek II Homeowners Association, BPA agreed to provide visual simulations of the existing condition at Teton Substation, the overhead option, and the 22 m (400 ft.) underground option into Teton Substation. These simulations were given to the Homeowners via Rick Khori at Lower Valley Power and Light. They were also sent to the Homeowner's Association. BPA did not agree to provide models or specifications. Cost estimates for the alternatives are in the DEIS and FEIS. The July 24 meeting was taped by the Homeowners and BPA requested a copy of the tape from the Homeowners to clarify what was agreed to. BPA has not received a copy of the tape from the Homeowner's Association.

26-1

The text has been changed in the FEIS.

27-1

Please see responses 27-8, 27-9, 27-11, 27-12, 27-13, 27-17 to 27-29.

27-2

Please see responses 27-8, 27-12 to 27-16.

27-3

Please see responses 27-9, 27-15, 27-17 to 27-21.

27-4

Please see responses 27-21, 27-23, 27-24, 27-25.

27-5

Please see responses 27-7 to 27-29.

27-6

Please see responses 27-7 to 27-29.

27-7

Please see responses 27-8 to 27-29.

27-8

You are correct. Relocation of Teton Substation was not considered in the Draft EIS. It is now included in the FEIS in Section 4.2.2.2 as visual mitigation considered but not preferred.

27-9

The FEIS discussions on noise impacts, EMF, visual impacts, and property values are in Sections 4.5.3, 4.5.2, 4.2.2, and 4.12.2.7, respectively. The FEIS also discusses opportunities to minimize impacts in these areas.

Noise: BPA would design the SVC to meet Teton County and Town of Jackson standards. A new line would not create additional noise so no mitigation is offered.

EMF: None of the transmission line alternatives are expected to increase the magnetic field environment at the residences near Teton Substation. This is because any new equipment additions (which are similar to existing equipment within the substation) would be located at the far side of the substation away from the residences. Since magnetic fields decrease rapidly with distance, contributions to residences from these new sources would be substantially less than the contributions from the existing transmission line and substation equipment, which are located much closer to residences.

If the SVC alternative is selected, the specialized SVC equipment would result in an additional, and somewhat unique, magnetic field source within Teton or Jackson substations. While BPA has no specific magnetic field information available related to the 115-KV SVC equipment proposed for this project, BPAs experience with 500-KV SVC equipment suggests the fields could be a much larger contributor to the magnetic field environment within the substation fence than the standard equipment associated with the transmission line alternatives or existing facilities. Increases to nearby residences are therefore possible, and the amount of any potential increase at either site would depend on the design, location and operating modes of the SVC equipment. Like the transmission line alternatives, the SVC is proposed to be located on the far side of the substation away from residences (see Figure 2-7.)

Visuals: Visual mitigation is identified in Section 4.2.2.2. BPA has identified as its preferred mitigation to design and implement a landscaping plan and use the landscaping plan prepared by Verdone Landscaping Architects and submitted by the Lake Creek II Homeowners Association during scoping to aid in that effort.

Property Values: New land rights needed across private landowners' property for transmission line right-of-way or access roads would be acquired as easements. New land rights needed for the switching station (Short Line Alternative) or the SVC Alternative at Jackson would be acquired in fee. Landowners would be offered fair market value for the easements or fee acquisitions established through the appraisal process.

The appraisal process takes all factors affecting property value into consideration including the impact of the transmission lines on property value. It may also reference studies conducted on similar properties to add support to valuation considerations. The strength of any appraisal is dependent on the individual analysis of the property, using neighborhood and specific market data to estimate fair market value.

BPA does not predict long-term adverse effects on property values along the existing right-of-way.

27-10

In the early planning stages of this project, BPA did a cost/benefit studies of the alternatives. These analyses were focused primarily on business objectives, though societal costs are factored into the equation. These studies allowed BPA to choose which alternatives to analyze further.

If a transmission line is built, as load continues to grow in the Jackson area, the whole community would benefit. Blackouts would be prevented and the financial and social disruption they can cause would not occur. All members of the community who use electricity would benefit, so the entire community would pay for this facility through electricity rates.

It is very difficult for BPA to get right-of-way for a new transmission facility. BPA prefers to build next to existing facilities whenever possible. BPA built Teton Substation in 1968, locating it well away from neighborhoods. Since that time, property owners have chosen to buy and build homes next to the transmission line and substation.

As the Jackson area grows, additional infrastructure will be needed. For example, one part of town may need to accommodate a new sewage facility or trash transfer station, another may need to accommodate a new or upgraded transmission facility or road expansion. Property owners near or next to these facilities may experience direct impacts. Others that live away from the facility may experience indirect impacts. BPA and Lower Valley have allocated money to mitigate impacts. While this money originates from all ratepayers, property owners immediately surrounding Teton Substation, for example, would benefit the most, if not solely, from mitigation at Teton Substation.

27-11

You are correct. At the time the DEIS was distributed, BPA had not identified specific actions to mitigate for impacts around Teton Substation. The FEIS now identifies more specific mitigation.

27-12

Please see response 27-8. Also, consideration of underground technology is in Section 2.6.5. It is also included as mitigation considered for visual impacts near Teton Substation but not preferred in Chapter 4.

27-13

Please see response 27-8. Because of its extremely high cost, relocation of the substation is not feasible.

27-14

Undergrounding the last 1-2 miles of transmission line from Fish Creek Road to Teton Substation was not considered as an alternative by itself in the Draft EIS but it was discussed as part of Burying the Transmission Line in Section 2.6.5 of the Draft EIS. The discussion identified the cost of burying a transmission line in flat agricultural land with deep soils and few outcrops, similar to the terrain found in the last 1-2 miles of transmission line from Fish Creek Road to Teton Substation.

BPA has now identified undergrounding the transmission line from Fish Creek Road to Teton Substation as mitigation in Section 4.2.2.2. New estimates have been done and the cost of undergrounding a single-circuit line is \$1,300,000 - \$2,900,000. Putting both circuits underground would cost about \$2,600,000 - \$5,300,000. These estimates do not include any costs for land. Because of the high cost, BPA has not identified undergrounding the line to be a preferred mitigation for visual impacts.

27-15

Overhead termination of the line is described in Section 2.1.5 of the Final EIS. The remaining options are now identified as mitigation, although not preferred, in Chapter 4. These alternatives and others suggested as mitigation for visual impacts are listed and briefly described in Chapter 4.

27-16

The Underground Termination Option in the DEIS is now identified in the FEIS as mitigation, although not preferred. Because of its high cost and limited ability to mitigate for visual impacts, BPA prefers to implement a landscaping plan rather than undergrounding the line. The cost for undergrounding the line into the substation would not be unconditionally committed to the Homeowners for their use.

BPA will document its final decision regarding the alternatives in the Record of Decision. BPA will make its decision based on the input from Lake Creek II through the public involvement process and other public comment. BPA is not familiar with the "Teton Substation Mitigation Action Plan." BPA will prepare a Mitigation Action Plan as required by Department of Energy guidelines and procedures implementing NEPA following the Record of Decision. If a line alternative is chosen, the plan will describe mitigation that will be implemented across the entire project, including Teton Substation. If the SVC Alternative is chosen and placed at Teton Substation, the mitigation action plan would focus mostly, if not entirely on the area surrounding Teton Substation.

27-17

Please see response 27-9.

27-18

Concerning the questions related to substation noise, please refer to sections 3.5.2.2 and 4.5.3.3 in the EIS and responses JPM-54 and 55.

Quantitative magnetic field analyses for substations are complex, expensive, and time consuming, and were therefore not attempted for this project. However, none of the transmission line alternatives are expected to increase the magnetic field environment at the residences near Teton Substation. This is because any new equipment additions (which are similar to existing equipment within the substation) would be located at the far side (west side) of the substation away from the residences. Since magnetic fields decrease rapidly with distance, contributions to the residences from these new sources would be substantially less than the contributions from the already existing transmission line and substation equipment, which are located much closer.

However, if the SVC alternative is selected, the specialized SVC equipment would result in an additional, and somewhat unique, magnetic field source within Teton or Jackson substations. While BPA has no specific magnetic field information available related to the 115-kV SVC equipment proposed for this project, BPAs experience with 500-kV SVC equipment suggests the fields could be a much larger contributor to the magnetic field environment within the substation fence than that from the standard equipment associated with the transmission line alternatives or existing facilities. Increases to nearby residences are therefore possible, and the amount of any potential increase at either site would depend on the design, location and operating modes of the SVC equipment. Like the transmission line alternatives, the SVC is proposed to be located on the far side of the substation away from residences. This is shown in Figure 2-7.

BPA is required to conduct environmental analysis on all reasonable alternatives. If an alternative is considered unreasonable, BPA will dismiss it from further consideration without conducting detailed environmental analysis.

27-19

Comment noted. Please see response 27-20.

27-20

As stated in Appendix L, new land rights needed across private landowners' property for transmission line right-of-way or access roads would be acquired as easements. New land rights needed for the switching station (Short Line Alternative) or the SVC Alternative at Jackson would be acquired in fee. Landowners would be offered fair market value for the easements or fee acquisitions established through the appraisal process.

The appraisal process takes all factors affecting property value into consideration including the impact of the transmission lines on property value. It may also reference studies conducted on similar properties to add support to valuation considerations. The strength of any appraisal is dependent on the individual analysis of the property, using neighborhood and specific market data to estimate fair market value.

27-21

A discussion of visual impacts is in Section 4.2.2.1. A discussion of property values is in Section 4.12.2.7 and Appendix L (Appendix G in the DEIS). A discussion of mitigation alternatives for visual impacts is in Section 4.2.2.2. A new landscaping plan that incorporates the landscaping plan prepared by Verdone Landscaping Architects during scoping is identified as preferred mitigation for visual impacts. BPA does not believe that long-term impacts to property values would occur.

27-22

BPA's course of action is consistent with the level of relevant science and consistent with its EMF strategy which states ... "Transmission facilities would consider EMF as an important factor with other design and siting factors for new and upgraded transmission facilities. BPA would take reasonable low-cost steps to minimize field exposure for these facilities while taking into account operation and maintenance considerations."

27-23

You are correct. At the time the DEIS was distributed, BPA had not identified specific actions to mitigate for impacts around Teton Substation that would be caused by this proposal. BPA has now proposed to develop and implement a landscaping plan to mitigate for visual impacts around Teton Substation. This plan will incorporate the landscaping plan prepared by Verdone Landscaping Architects during scoping and submitted by Lake Creek II to BPA during scoping.

27-24

At the time the DEIS was distributed, Lake Creek II had verbally accepted the \$60,000 offer made by BPA to mitigate for impacts caused by past additions in 1994 and 1995 at Teton Substation. BPA assumed that landscaping would be planted in spring and early summer 1997, hence the wording in the DEIS. After DEIS distribution, Lake Creek II informed BPA they would not accept the offer, making BPA's reference to landscaping in the DEIS completely inaccurate as noted. Since submitting comment letter 27, Lake Creek II Homeowners accepted the \$60,000 offer with an attachment to the contract listing certain provisions. BPA was not able to accept those provisions and could not sign the contract. BPA has now proposed as preferred mitigation to develop and implement a landscaping plan to mitigate for visual impacts around Teton Substation. This plan will incorporate the landscaping plan prepared by Verdone Associates during scoping and submitted by Lake Creek II to BPA during scoping.

Because the 1994 and 1995 additions to Teton Substation were previously covered under the National Environmental Policy Act process and BPA is now proposing as its preferred mitigation to develop and implement a landscaping plan to mitigate for visual impacts around Teton Substation, there is no need to mention the 1994 and 1995 additions in the Final EIS.

27-25

As stated in Chapter 4, BPA recognizes a potential for moderate or high impact to residences surrounding Teton Substation. Snow piles are not mentioned anywhere in Chapter 4 in the discussion of impacts or mitigation.

Snow piles created from the clearing of snow from residential streets are mentioned in Chapter 3, Affected Environment. This chapter is meant to describe the environment that may be affected by the project. Chapter 3 does not describe impacts or mitigation.

27-26

If the SVC is chosen to meet the need for this project, a full design of the facility would be done. Designs that mitigate for noise would be done to meet Town of Jackson and Teton County noise regulations. BPA recognizes that the specialized SVC equipment would result in an additional, and somewhat unique, magnetic field source within Teton or Jackson substations. While BPA has no specific magnetic field information available related to the 115-kV SVC equipment proposed for this project, BPA's experience with 500-kV SVC equipment suggests the fields could be a much larger contributor to the magnetic field environment within the substation fence than that from the standard equipment associated with the transmission line alternatives or existing facilities. Increases to nearby residences are therefore possible, and the amount of any potential increase at either site would depend on the design, location and operating modes of the SVC equipment. Like the transmission line alternatives, the SVC is proposed to be located on the far side of the substation away from residences. This is shown in Figure 2-7.

27-27

Comment noted. The SVC is not the Agency Proposed Action. Teton Substation remains the preferred site for the SVC Alternative.

27-28

Comment noted. Please see responses 27-1 to 27-27.

27-29

BPA has responded to the Freedom of Information Act request from the Lake Creek II Homeowners Association. In a letter from BPA to the Homeowners dated September 19, 1997, BPA agrees to provide the Homeowners with information after they have agreed to pay for their request and have clarified their request for BPA. Lake Creek II Homeowners have not responded to this letter.

BPA did grant a 30-day DEIS public comment period extension to Lake Creek II Homeowners and those they chose to involve which ended on September 11, 1997. Unfortunately, BPA cannot grant another extension of the DEIS public comment period because of the need to keep the process on schedule.

28-1

The studies for the impact of transmission lines on property values did include properties adjacent to substations, but the impact to these specific properties was not isolated in these studies.

Although these studies were not located in the Jackson area, any new land rights (either easements or fee acquisitions) that need to be acquired would follow the appraisal process identified in Appendix L using local area data.

28-2

The "Summary of Biological and Epidemiological Studies Relating to EMF" in Appendix D of the EIS is intended to summarize briefly the large body of research on EMF. As indicated in the Appendix, much more detailed information can be found in two BPA publications: *Electrical and Biological Effects of Transmission Lines: A Review* (1996), and *Electric Power Lines: Questions and Answers on Research into Health Effects* (1995). These publications are available upon request. BPA believes this information adequately summarizes the research related to EMF health concerns.

BPA also believes reasonable low-cost steps have been taken to minimize EMF exposure to residences near Teton Substation. New equipment additions for the alternatives (including the Agency Proposed Action) would be installed at the far side of the substation away from the residences.

For more information, please see response 27-18.

28-3

Utility infrastructure was added at Teton Substation in 1994 and 1995. In 1994, BPA installed a 115-KV line terminal addition, and installed two capacitor groups in 1995. Because these additions were installed within previously developed areas (inside the substation yard), BPA determined that these actions complied with Section 1021.410 of the Department of Energy National Environmental Policy Act (NEPA) regulations (April 24, 1992) and were categorically excluded from further NEPA review and documentation. A copy of this documentation and pertinent sections of the regulations were sent at their request as an attachment to a letter to the Lake Creek II Homeowners Association dated June 12, 1996.

BPA analyzed and identified the environmental impacts of the proposal on the surrounding natural and urban environment. Environmental impacts are determined by resource specialists who analyze present conditions with proposed changes as described in each of the alternatives. For example, at Teton Substation the specialists analyzed the present condition, which includes the additions described above and proposed changes. BPA also recognizes that its proposed actions do have cumulative impacts on the surrounding natural and urban environment. Discussions of these impacts are found in the resource sections. As you point out, the cumulative impact discussion for land use is in Section 4.1.2.3. To help mitigate for the low, moderate, or high impacts, as well as cumulative impacts identified in the resource sections, BPA has identified and listed mitigation in each resource section.

28-4

At this time, BPA is not aware of any reasonably foreseeable plans to expand Teton Substation. Though BPA does recognize that each of the alternatives include future planning actions (see Chapter 2), those actions are highly dependent on many uncertainties: future load growth, advances in technology, energy conversion to renewable resources, future customer needs, etc. (see Section 1.7.1). It is possible they may not occur when predicted. The EIS recognizes that these future planning actions are outside the scope of this EIS and would be studied in more depth later if they became less speculative. Potential impacts would likely be studied in subsequent environmental documents.

The Agency Proposed Action would be built to solve a reliability problem (specifically voltage instability) caused by present demands on the system, and would create additional capacity. This capacity, combined with other infrastructure needed for development, could accommodate residential and commercial expansion. Section 4.12.2.10 has been added to the Socioeconomic resource section to recognize potential cumulative impacts from residential and commercial development.

28-5

You are correct. The DEIS incorrectly characterized a landscaping plan. At the time the DEIS was distributed, Lake Creek II had verbally accepted the \$60,000 offer made by BPA to mitigate for impacts caused by past additions in 1994 and 1995 at Teton Substation. BPA assumed that landscaping would be planted in spring and early summer 1997, hence the wording in the DEIS. After BPA distributed the DEIS, Lake Creek II informed BPA they would not accept the offer. Since submitting comment letter 27, Lake Creek II Homeowners again

accepted the \$60,000 offer (this time in writing) with an attachment to their letter of acceptance listing certain new provisions. The suggested new provisions were unacceptable to BPA. BPA has now proposed to develop and implement a landscaping plan to mitigate for visual impacts around Teton Substation. This plan will incorporate the landscaping plan prepared by Verdone Landscaping Architects during scoping and submitted by Lake Creek II to BPA during scoping.

Please also see response 28-3.

28-6

BPA believes that design and placement of new structures would help mitigate visual impacts.

As stated in response 28-5, BPA has now proposed to develop and implement a landscaping plan to mitigate for visual impacts around Teton Substation. This plan will incorporate the landscaping plan prepared by Verdone Landscaping Architects during scoping and submitted by Lake Creek II to BPA during scoping.

28-7

Please see response 27-25.

28-8

BPA does recognize that some short-term adverse impacts on property value and salability along the proposed new ROW may occur on individual properties. However, these impacts are highly variable, individualized, and not predictable. BPA does not expect overall long-term adverse effects on property values along the existing ROW and therefore did not recommend any mitigation.

BPA recognizes that the state of scientific evidence relating to EMF has not yet established a cause-and-effect relationship between electric or magnetic fields and adverse health effects. As stated in response 28-2, BPA believes reasonable low-cost steps have been taken to minimize EMF exposure to residences near Teton Substation. This is done by locating the new equipment additions for the transmission line alternatives (including the Agency Proposed Action) at the far side of the substation away from the residences. For more information, please see response 27-18.

28-9

BPA thoroughly analyzed all reasonable alternatives identified in Chapter 2. Other alternatives were considered and eliminated from detailed consideration (see Section 2.6). As you correctly state, conservation was considered, but was eliminated because the amount of conservation savings is too low to meet the need for this project. BPA, through Lower Valley, has accomplished 3.305 average megawatts of conservation savings. These savings most likely helped delay the need for this project in the past but growth in the Jackson area has been too great for present conservation efforts to keep up with demand.

BPA no longer provides conservation funding to Lower Valley, but Lower Valley is working with the Town of Jackson Building Department to develop building codes that include conservation measures such as insulation in buildings.

BPA is confident that as conservation technology improves and Jackson residents choose to spend more money to implement these technologies, Lower Valley would help find the best ways to integrate the technology into the community and possibly delay the need for future projects of this size. However, such measures would not replace the need for this project.

28-10

Please see response 27-14.

29-1

1. Relocation of the Teton Substation is identified as mitigation to lessen visual impacts, but it is not preferred. It is described in Section 4.2.2.2.

2. Undergrounding the existing and new transmission lines into Teton Substation is identified as mitigation, although not preferred, to lessen visual impacts. It is described in Section 4.2.2.2.

3. Using low profile equipment at Teton Substation that reduces the height and girth of the substation is identified as mitigation, although not preferred, to lessen visual impacts. It is described in Section 4.2.2.2.

4. Please see response 29-1, #3.

5. BPA has added more information on noise in Sections 3.5.2 and 4.5.3 and included a noise report as Appendix E.

29-2

Please see response 29-1, #1.

29-3

Please see response 29-1, #2 and #3.

29-4

Please see response 29-1, #3.

If the SVC Alternative is chosen, a site-specific plan would be prepared that includes appropriate mitigation. BPA recognizes that the SVC would be an additional noise source at either substation. BPA would design the SVC to meet Town of Jackson and Teton County noise regulations. BPA cannot agree at this time that housing the SVC in an enclosed structure would minimize visual impacts and effectively eliminate noise impacts to the surrounding areas. Until BPA does a full design of the facility and determines the final location, specifications, and operating modes of the equipment, appropriate detailed mitigation cannot be determined.

29-5

Appendix G in the DEIS (now Appendix L in the FEIS) of the DEIS contained results of a study entitled *Residential Property Values along BPA Transmission Lines*, that BPA completed in 1995. The -1.05% to 1.46% information contained in this report reflects property value decreases or increases reported in the Portland, Vancouver, and Seattle areas. BPA was not making any comparisons to the Jackson area.

The studies for the impact of transmission lines on property values did include properties adjacent to substations, but the impact to these specific properties was not isolated in these studies.

Any new land rights (either easements or fee acquisitions) that need to be acquired would follow the appraisal process identified in Appendix L using local area data.

29-6

Comment noted. Please see response 29-1.

29-7

Comment noted.

29-8

Comment noted. Please see responses 29-1 and 29-3.

29-9

Comment noted. Please see responses 28-3 and 29-5.

30-1

Please see responses 27-1 to 27-6.

31-1

Mitigation that potentially lessens the visual impacts to the area surrounding Teton Substation is now included in Chapter 4, Section 4.2.2.2. Reducing the superstructure of Teton Substation and undergrounding the last 122 m (400 feet) of transmission line into Teton Substation are included as mitigation, although not preferred.

31-2

Please see response 28-3. BPA has identified mitigation for visual impacts. The landscaping plan is identified as BPA's preferred mitigation alternative to lessen the visual impacts surrounding Teton Substation.

31-3

BPA will prepare a Mitigation Action Plan as required by the Department of Energy Guidelines implementing NEPA following the Record of Decision. If a line alternative is chosen, the plan will describe mitigation that will be implemented across the entire project, including Teton Substation. If the SVC Alternative is chosen and placed at Teton Substation, the mitigation action plan would focus mostly, if not entirely, on the area surrounding Teton Substation.

BPA has now proposed as its preferred mitigation to develop and implement a landscaping plan to mitigate for visual impacts around Teton Substation. This plan will incorporate the landscaping plan prepared by Verdane Landscaping Architecture during scoping and submitted by Lake Creek II to BPA during scoping.

31-4

Undergrounding the new and existing line from Fish Creek Road into Teton Substation is identified as mitigation, although not preferred, in Chapter 4, Section 4.2.2.2.

31-5

Undergrounding the last 123 m (400 feet) of transmission line into Teton Substation is now identified as mitigation, although not preferred, in the FEIS in Section 4.2.2.2. Visual simulations of the existing condition, the overhead approach into the substation and an underground approach are included in Appendix M.

31-6

On July 24, 1997, BPA met with several members of the Lake Creek II Homeowners Association at Lower Valley's offices. BPA agreed to provide visual simulations of the existing condition, and the overhead and underground line termination options. BPA did not agree to provide models or specifications. Cost estimates for the different alternatives are already given in the EIS. Lake Creek II Homeowners taped the meeting and BPA requested a copy of the tape to confirm the items requested and what agreements were made. BPA has not received a copy of the tape from the Homeowners.

BPA cannot grant another extension of the comment period due to the demands of the schedule. BPA did grant a 30-day DEIS public comment period extension to Lake Creek II Homeowners and those they chose to involve which ended on September 11, 1997.

32-1

Please see responses 27-1 to 27-6.

33-1

Comment noted.

34-1

Please see response 27-10.

34-2

BPA has responded to Lake Creek II Homeowners' and Diane Connolly's comments. Please refer to responses from comment letters 27 and 28. BPA has answered all comments thoroughly and has made appropriate changes in the FEIS.

34-3

BPA believes that it has been very responsive to the Lake Creek II Homeowners Association. As required by NEPA, BPA conducted four public scoping meetings in May 1996 and two public comment meetings on the Draft EIS in July 1997. Lake Creek II Homeowners attended the Jackson meetings. In addition, since June 1995, members of the BPA project team have met with the Homeowners on eight separate occasions. The Forest Service met with a representative from the Homeowners once. Lower Valley has met with the Homeowners on six separate occasions (not including the meetings together with BPA). In addition to meetings, BPA extended the DEIS public comment period an additional 30 days to the Lake Creek II Homeowners and those groups they chose to involve. After the FEIS is issued and before the Administrator makes a final decision, there is a 30-day no-action period.

BPA, Lower Valley, and the Forest Service have phoned, and received and responded to correspondence from the Lake Creek II Homeowners.

BPA has reviewed all correspondence from Lake Creek II Homeowners and believes it has provided feedback on all issues raised by responding verbally in various meetings or phone conversations, through written correspondence, and through the Draft and Final EIS's.

34-4

Please see response 27-14.

34-5

BPA has now identified three mitigation alternatives that reduce the height and girth of Teton Substation in Section 4.2.2.2. The structures in these new designs would be less than 16 m (54 feet). Cost estimates done for these alternatives do not make their implementation by BPA likely. BPA has identified landscaping as the preferred mitigation for visual impacts around Teton Substation. BPA cannot combine the landscaping mitigation with other mitigation because costs become prohibitive.

34-6

All mitigation that may help lessen the visual impacts to the area surrounding Teton Substation are included in each transmission line alternative. Landscaping around Teton Substation is identified as the preferred way to mitigate for visual impacts.

34-7

The SVC Alternative is a reasonable alternative that meets the need for the project and cannot be eliminated from further consideration. It is not the Agency Proposed Action.

34-8

BPA has identified cumulative impacts for each alternative in each resource area. Please refer to those sections in Chapter 4. Mitigation is also included in Chapter 4.

34-9

Please see responses 34-1 to 34-8.

34-10

BPA is working hard to achieve this end guided by its environmental, financial, and technical requirements and responsibilities.

35-1

Please see responses to comment letters 27 and 28.

37-1

BPA has identified landscaping as the preferred mitigation for visual impacts around Teton Substation.

37-2

Please see response 37-1. BPA has hired Verdone Landscaping Architecture to develop a landscaping plan to lessen the visual impacts around Teton Substation.

37-3

Costs for landscaping and minimizing the height of Teton Substation are now included in Chapter 4.

Construction is scheduled for the year 2000, although this could be accelerated by information gathered from field surveys and review. Any changes to Teton Substation would be done at that time. Implementation of a landscaping plan would be coordinated with landowners affected by the proposed changes at Teton Substation.

37-4

Please see response 27-14.

